

# Proposals for Regulations on Local Place Plans

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The opinions expressed in this report are those of the author.

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# Executive Summary

This report presents analysis of responses to a public consultation on proposals for regulations on Local Place Plans (LPPs). These regulations are part of wider work on planning reform and implementation of the Planning (Scotland) Act 2019 (the 2019 Act).

Section 14 of the 2019 Act amends the Town and Country Planning (Scotland) Act 1997 to introduce a new right for communities to produce LPPs for their places, with scope for these plans, or parts of them, to become a part of the Local Development Plan (LDP). Proposed regulations will cover all Scotland. However, they are permissive in nature. The aim is to significantly enhance engagement in development planning, effectively empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land.

The consultation paper presented draft proposals for the framework of regulations to support the implementation of provisions relating to LPPs. The consultation opened on 15 March 2021 and closed on 25 June. It asked 18 questions. In total 203 responses were received, of which 140 were from groups or organisations and 62 from individual members of the public. One response was received late and is not included in this analysis.

A summary of the responses received under each section of the consultation paper is set out below.

## Having regard to Locality Plans

A substantial majority – 91%<sup>1</sup> of those answering the question – agreed that community bodies should have regard to any Locality Plan in place when preparing their LPP. Those disagreeing – 7% of those answering the question – were all Community Councils or Trusts, Third Sector or Voluntary Groups or Individuals. The remaining 2% of those answering the question had no view.

General observations by those who agreed with the proposal included that it makes sense to tie the relevant local plans together and that the preparation of LPPs should have regard to all relevant plans and policies. It was also suggested that the requirement would help ensure there is an evidence base for LPPs and that duplication of effort is avoided, including through the pooling of resources.

Although agreeing with the proposal, a number of respondents, did note that their support was conditional on it being possible for a community to take a view that differs from the Locality Plan and that the LPP does not have to accept or include the contents of the Locality Plan.

Those disagreeing with the proposal sometimes raised similar issues to those who had made their agreement conditional on community bodies being able to take a view that differed from the Locality Plan. Comments included that community bodies should not be constrained from the outset, should as far as possible be able to start with a ‘clean sheet’, or that collectively agreed decisions made by a representative group of community members in an LPP should take precedence over a Locality Plan.

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<sup>1</sup> Please note that percentages may not sum to 100% due to rounding.

## **Having regard to other additional matters**

A substantial majority – 87% of those answering the question – considered that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their LPP. Those disagreeing - 8% of those answering the question - were Community Councils or Trusts, Third Sector or Voluntary Groups or Individuals and a Representative Body. The remaining 5% of those answering the question had no view.

Whilst it was recognised that it would be difficult to capture all relevant materials within secondary legislation, it was suggested that it will be important that those developing LPPs are encouraged to consider the local context and take relevant plans into consideration as part of their own plan preparation processes. However, there was also a view that any requirements beyond the Locality Plan should not be too onerous.

A number of respondents considered that community bodies should have regard to Local Outcome Improvement Plans (LOIPs). It was suggested that LOIPs provide a rich resource of information and collaborative working developed by a range of partners. There were also a number of references to Local Development Plans (LDPs) and in particular to those developing LPPs having regard to the evidence report for adopted and emerging new-system LDPs.

Those who did not consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their LPP tended to raise concerns around any approach being too prescriptive and that, for it to be effective, the community must feel that the ownership of their LPP resides locally.

## **Form and Content of the Local Place Plan**

A very substantial majority – 96% of those answering the question – agreed with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary. Of the remaining respondents, 3% of those answering disagreed and 1% had no view.

General observations included that LPPs should be well-structured and visual, using graphics, photographs and maps. There was a view that community bodies are likely to need assistance with LPP content, graphics and mapping work, and that this potentially raises significant resourcing issues. There were also frequent references to the need for guidance on the development of LPPs.

Comments about the proposal that a map of the area covered by the LPP should be required included that this would be essential, and a clearly defined boundary would be highly beneficial. There was a view that, at its core, an LPP should be a spatial representation of a community's proposals for the area and that proposals should be spatially detailed and mapped as far as possible.

## **Steps to be taken before preparing the Local Place Plan**

A majority of respondents – 80% of those answering the question – thought a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law. Of the remaining respondents, 16% did not think so and 4% had no view. The majority of organisations that did not think a requirement should be set out in law were Community Councils or Trusts.

Those who thought a requirement should be set out in law sometimes referred to such an approach being essential, fundamental or vital, and that the approach should be prescribed in order to aid transparency and promote consistency.

It was seen as important that the LPP process is rigorous in upholding the rights of all people to have the opportunity to have their say and there was a concern that, without the requirement being set out in law, there would be a risk that LPPs could be prepared by only a small group of people. However, it was acknowledged that some forms of community engagement can involve considerable resources which may be difficult for community bodies, even if some assistance were available. Although supporting a statutory approach, some respondents commented that any requirements should not be excessively onerous or prescriptive or should be as light-touch as possible.

Those who did not support a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP being set out in law sometimes raised similar points to those who had agreed. It was suggested that a very light touch is needed, that a statutory requirement would be too prescriptive, and that guidance would be preferable to regulation.

In terms of what any minimum requirement should be, observations included that the aim should be for communications to reach the majority of the population to inform and spark people's interest and provide an invitation for them to get involved in the process. It was seen as vital to create an inclusive approach from the start, but the importance of limiting the administrative burden on community bodies was also noted.

A number of the comments identified communities of interest - groups or individuals - who respondents considered should be covered under any requirement. The most frequent references were to the general public, residents or those living within the boundaries of the LPP. There was also reference to children and young people, disabled people, organisations of disabled people, people from minority ethnic groups, Travellers or Showpeople and Gaelic speaking communities.

There was also reference to community bodies engaging with statutory consultees, local community or third sector organisations, landowners, businesses and developers.

### **Steps which must be taken before submitting a completed Local Place Plan**

A substantial majority of those who answered the question – 87% – agreed that there should be a minimum statutory requirement to consult the community once a draft LPP has been prepared, while 9% disagreed and 4% had no view. Those who disagreed were predominantly Individuals and Community Council or Trust respondents.

Some respondents who agreed considered a requirement to consult the community on the draft LPP as sensible or obvious, or highlighted the need to ensure the proposed LPP reflects the views of the wider community, including those who may not generally be heard, and not just of those who prepared it. However, it was also thought that any requirements to consult on the draft plan should be light touch or should be such that they do not deter community bodies from preparing an LPP.

While agreeing that there should be a minimum statutory requirement, some respondents qualified their approval or noted issues that might arise as a result including the limited time that may be available to community bodies for consultation on the draft LPP and that community bodies will require resources for consultation.

Arguments made by respondents who disagreed included that a community body should consult on the draft LPP, but it should not be a minimum statutory requirement. It was suggested such a requirement would not be appropriate for a volunteer body and that it would be preferable to set out best practice for engagement with the community in guidelines. The importance of a light touch approach was emphasised.

Comments on the nature of consultation on the draft LPP included that legislation should not prescribe the form of consultation but should be flexible, setting out principles that the community body should follow. It was also argued that the consultation exercise should be both proportionate to the scale and scope of the proposals, and appropriate to the community in question. Several existing models that might be used as a basis for consultation on the draft LPP were suggested.

It was proposed there should be guidance for community bodies in terms of how to engage, and the National Standards for Community Engagement were referenced by several respondents. The importance of ensuring all sections of the community can participate in a consultation was highlighted and that this should include those with protected characteristics under the Equality Act 2010.

Respondents also made suggestions in terms of: how and where the draft LPP might be made available; specific organisations or types of people who should be consulted; the minimum length of a consultation period; how feedback should be delivered; whether a minimum level of support should be required; and how the consultation should be reported.

### **Taking the views of councillors into account**

A majority of respondents – 72% of those answering the question – agreed with the proposal that the community body should seek the views of ward councillors when preparing the LPP. Of the remaining respondents, 20% disagreed and 8% had no view. Those disagreeing included the majority of Developer respondents and a number of Community Councils or Trusts and Representative Bodies.

Reasons given for agreeing that the views of ward councillors should be sought included that, as representatives of their wider local community, they are very often aware of what is happening across a community and will have significant knowledge about local issues. Similarly, it was noted that ward councillors being involved in the LPP would reflect the process followed in the preparation of the LPP.

A common perspective amongst those disagreeing was that seeking the views of ward councillors should probably be a matter for guidance or good practice rather than a requirement.

### **Information to submit alongside a Local Place Plan**

A majority of those who answered the question – 76% – agreed that the community body should submit a statement on how it has complied with the legal requirements, while 15% disagreed and 9% had no view. Those who disagreed were predominantly Individual and Community Council or Trust respondents.

Some respondents who agreed saw a statement on how the community body has complied with legal requirements as useful, essential, or as important to ensure transparency, credibility and trust in the process. The statement was also thought to

strengthen and validate the LPP and to help to provide consistency. It was also argued the requirement should be light touch, as straightforward as possible, or should not be too onerous. Other respondents pointed to the need to provide communities with resources to complete the statement or a requirement for suitably qualified support, potentially from the local authority. The importance of guidance was also highlighted.

Among respondents who did not agree that there should be a statement, reasons given included that this is too onerous a requirement or places another burden on community bodies that are run by volunteers and will generally not have the expertise to confirm compliance with legal requirements.

### **The manner a register must be kept and made available**

A majority of those who answered the question – 72% – agreed that requirements for the register of LPPs should be aligned with existing arrangements for registers, while 11% disagreed and 18% had no view. Developers were the only group in which a majority of respondents disagreed.

Respondents who agreed suggested that alignment with existing requirements would be sensible, reasonable or simple. They also pointed to the importance of accessibility, transparency and accountability or noted that councils already hold other planning registers. Respondents specified that the LPP register should be held online, in electronic form or should be hosted on the local authority website. The Scottish Government's commitment to develop a central online register of digital LPPs was welcomed and was seen as a useful resource for a range of organisations, including community bodies.

Many of the respondents who disagreed with alignment with existing requirements were also looking for LPPs to be available online, arguing for a simple online register. They also supported proposals for a central digital register, including to allow communities to learn from other examples. It was suggested existing registers may not be suitable or may need to be made more accessible.

### **Information about a Local Place Plan to include on the register**

A large majority of respondents who answered the question – 80% - agreed that additional information provided alongside the LPP should be kept on the register, while 8% disagreed and 11% had no view.

Transparency was the issue raised most frequently by respondents who agreed that additional information should be kept on the register. It was suggested that the register should be a comprehensive, central repository available in an accessible format. Providing access to the LPP evidence base was thought important to allow interested parties to understand the context or broader picture that may have informed the LPP. The need to make a clear distinction between the LPP and supporting information was also suggested. Some respondents expressed a view that all information should be part of the LPP rather than separate from it. In this case, including additional information as appendices was suggested.

Reasons given for thinking additional information should not be placed on the register included both that it should be possible to read and understand an LPP on its own terms and that it is important to keep the system simple.

In terms of the level and content of information to be placed on the register, comments included that this should be any or all available information. The need for flexibility was also suggested and that content could be very variable, depending on the community body and the extent of the LPP.

Respondents who did not think additional information should be included typically argued for a shorter list of contents, at minimum just the LPP plus a formal letter of adoption, a statement of conformity, or a boundary map.

### **Removal of the Local Place Plan from the register**

A majority of those who answered the question – 57% – disagreed with the proposal that a planning authority may remove an LPP from the register once it has been taken into account, while 26% agreed and 18% had no view. Local authorities were the only group in which a majority of respondents agreed.

While some respondents who did not agree were clear that neither the planning authority nor the community body should remove an LPP from the register, others who answered “no” at the closed question expressed a view that the planning authority should remove an LPP from the register if asked to do so by the community body that prepared it. In a similar vein, some respondents who agreed did so only in so far as removing an LPP on request from a community body or where it has been superseded, rather than as a decision by the planning authority.

Points raised by both respondents who agreed and disagreed at the closed question included the need to clarify what is meant by ‘taken into account’. Concerns were raised that allowing planning authorities to deregister LPPs may undermine them as an empowerment mechanism for local communities and may create conflict between communities and planning authorities. The importance of providing feedback and of maintaining trust between community bodies and the planning system was highlighted.

### **Making the Local Place Plan map available**

A majority of those who answered the question – 71% – agreed that requirements for making the map of LPPs available should be aligned with existing arrangements for registers, while 12% disagreed and 17% had no view. Most of the respondents who disagreed were Developers.

The proposal to align with existing arrangements was suggested as sensible and practical, and the importance of transparency highlighted. The need to make registers available online was again emphasised and it was argued that maps must be searchable. It was also noted, however, that community bodies may need support to use mapping systems that have been designed for professional users.

Many of the respondents who disagreed with alignment with existing requirements were also looking for LPPs to be available online, arguing for a simple online register. It was suggested existing registers may not be suitable or may need to be made more accessible.

### **Impact Assessments**

Partial versions of a Business and Regulatory Impact Assessment (BRIA), Equalities Impact Assessment (EQIA) combining a Child Rights and Wellbeing Impact Assessment

(CRWIA) and an Island Communities Impact Assessment (ICIA) were published with the consultation paper.

Several comments on the partial BRIA related to the estimated cost of £15,000 to prepare an LPP. It was suggested this is likely to be unaffordable for some groups, with a risk that, unless resources are provided, existing inequalities between communities may be exacerbated. Disparities in expertise or experience within communities were also suggested to have the potential to affect outcomes or widen inequalities.

Costs and resource implications for planning authorities were also highlighted. The assumption that, other than with respect to maintaining the LPP register, there will be minimal additional costs for planning authorities was questioned. Planning authorities acting as a 'key supporting partner' to communities as they develop their LPPs was thought likely to require significant resources for which no additional funding has been identified.

There was support for rigorous assessment of how the regulations for LPPs will support equalities and the intent to encourage inclusive engagement was welcomed. However, it was also suggested that the EQIA's statement that no factors have been identified which might prevent the desired outcomes may not be correct, unless support and access are made available for people with protected characteristics or who live in socio-economic disadvantage.

Inclusion of an ICIA was welcomed. Specific points in relation to LPPs and island communities included highlighting the added pressure on small island planning authorities, where it was thought high existing levels of community engagement in relation to community land ownership will create significant momentum for LPPs.

### **Additional issues raised**

In addition to comments at specific questions, some respondents made more general comments about the context or challenges associated with developing LPPs. For example, there was a question as to whether the case for introducing LPPs has been made and a concern that community expectations could be raised, but that it remains unclear to what extent and how these expectations could be met.

It was also seen as important to be clear about how LPPs relate to other national and local plans, and especially to the LDP. Issues relating to the timing of LPP development, relative to the timescales for LDPs, were also highlighted.

# 1. Introduction

## Background

- 1.1 This report presents analysis of responses to a public consultation on proposals for regulations on Local Place Plans (LPPs). These regulations are part of wider work on planning reform and implementation of the Planning (Scotland) Act 2019 (the 2019 Act).
- 1.2 Section 14 of the 2019 Act amends the Town and Country Planning (Scotland) Act 1997 to introduce a new right for communities to produce LPPs for their places, with scope for these plans, or parts of them, to become a part of the Local Development Plan (LDP). The aim is to significantly enhance engagement in development planning, effectively empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land.

## The consultation

- 1.3 The consultation paper presented draft proposals for the framework of regulations to support the implementation of provisions relating to LPPs. As regulations are developed, other guidance to community bodies, planning authorities and other parties will be considered with the intention that guidance and a 'How to' guide will be in place on the coming into force of the secondary legislation.
- 1.4 The consultation opened on 15 March 2021 and closed on 25 June. It asked 18 questions, ten of which had closed and open elements, with the remaining eight questions entirely open.
- 1.5 The consultation documents are available on the [Scottish Government's consultation hub](#).

## Profile of responses

- 1.6 In total 202 responses were received, of which 140 were from groups or organisations and 62 from individual members of the public. Where consent has been given to publish the response, they may be found at [Published responses for Local Place Plan Regulations consultation - Scottish Government - Citizen Space](#).
- 1.7 Respondents were asked to identify whether they were responding as an individual or on behalf of a group or organisation. Organisational respondents were allocated to one of seven groups by the analysis team. A breakdown of the number of responses received by respondent type is set out below, and a full list of organisational respondents appended to this report as Annex 1.

**Table 1.1: Respondents by type**

<b>Respondent type</b>	<b>Total</b>
Organisations	
Community Council or Trust	37
Developer	16
Local Authority, Community Planning Partnership or Transport Partnership	34
Other - Private Sector	8
Public Body	8
Representative Body	12
Third Sector or Voluntary Group	25
<b>Total organisations</b>	<b>140</b>
<b>Individuals</b>	<b>62</b>
<b>All respondents</b>	<b>202</b>

## **Analysis and reporting**

- 1.8 This report presents an analysis of responses received in relation to each of the consultation questions in turn.
- 1.9 Closed questions offered respondents the choice of “Yes”, “No” or “No view” answers. The analysis of further comments made at these questions is broadly set out according to the answer at the closed question, with the majority view discussed first. Comments from those who selected “No view” or did not answer the closed question are included where most appropriate.
- 1.10 Where respondents made submissions in a statement style format that did not follow the consultation questions, this content has been analysed qualitatively under the most directly relevant question, or is covered in the final chapter.
- 1.11 In addition to brief coverage of several issues raised beyond the scope of the consultation questions, the final chapter summarises a number of key themes that recurred across responses to a number of questions.
- 1.12 As with any public consultation exercise, it should be noted that those responding generally have a particular interest in the subject area. Therefore, the views they express cannot necessarily be seen as representative of wider public opinion.

## 2. Preparation of Local Place Plans

- 2.1 The provision introduced by the 2019 Act requires a community body to have regard to the National Planning Framework and the LDP when preparing an LPP. However, it also provides for Ministers to set out any other matters they consider community bodies should additionally be required to have regard to – including a Locality Plan where one is in place.
- 2.2 Locality Plans are prepared by Community Planning Partnerships under Section 10 of the Community Empowerment (Scotland) Act 2015.

**Question 1:** Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

Please comment on your answer (particularly if you do not agree)

- 2.3 Responses at Question 1 are set out in Table 2.1 below.

**Table 2.1**

**Question 1:** Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

	Yes	No	No view	Total
Individuals	56	4	1	61
<b>% of individuals answering</b>	<b>92%</b>	<b>7%</b>	<b>2%</b>	
Organisations				
Community Council or Trust	30	5	0	35
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	34	0	0	34
Other - Private Sector	8	0	0	8
Public Body	4	0	2	6
Representative Body	11	0	0	11
Third Sector or Voluntary Group	18	5	0	23
Total organisations	121	10	2	133
<b>% of organisations answering</b>	<b>91%</b>	<b>8%</b>	<b>2%</b>	
All respondents	177	14	3	194
<b>% of respondents answering</b>	<b>91%</b>	<b>7%</b>	<b>2%</b>	

Please note that percentages in these tables may not sum to 100% due to rounding.

- 2.4 A substantial majority – 91% of those answering the question – agreed that community bodies should have regard to any Locality Plan when preparing their LPP. Those disagreeing - 7% of those answering the question - were all Community Councils or Trusts, Third Sector or Voluntary Groups or Individuals. The remaining 2% of those answering the question had no view.
- 2.5 Around 150 respondents provided an additional comment.

## Views of those agreeing with the proposal

### Strategic fit

- 2.6 General observations by those who agreed with the proposal included that it makes sense to tie the relevant local plans together and that the preparation of LPPs should have regard to all relevant plans and policies. A further point, picked up again at the next question, was that when developing their LPP, communities should have regard to a range of plans that are in place across both community and spatial planning. Aligning priorities between spatial planning and community planning was described as key.
- 2.7 With specific reference to Locality Plans, the connection was seen as having the potential to strengthen the link between spatial and community planning at a local level. One suggestion was that if the two plans are to co-exist then it should not just be that the LPP has regard to the Locality Plan, both plans should be required to have regard for each other.
- 2.8 In terms of what Locality Plans bring, it was noted that their scope is broad and that they often cover areas that would be of particular relevance and importance for LPPs, such as housing, employment, tackling poverty, and community assets and facilities. It was also reported that they are focused on climate change. It was suggested that having regard to a Locality Plan will also help ensure that LPPs take forward community activity that is supported by related developments and has the most impact for their community.
- 2.9 Other comments also addressed the relationship between LPPs and Locality Plans with suggestions including that:
- The regulations should make clear the distinction between non-statutory community led action plans and a statutory Locality Plan, and should clarify which plans and policies takes precedence in terms of decision-making.
  - Those developing Locality Plans or LPPs should have regard to the other Plan when their own is being prepared or reviewed. It was suggested that this relationship should be set out in regulations and clarified in guidance.
- 2.10 It was also noted that all statutory bodies, with one respondent referencing Scottish Water and Transport Scotland particularly, should take account of LPPs.

### Risks and advantages

- 2.11 Following on from comments about the relationship between Locality Plans and LPPs, there was a concern that failure to have regard to any Locality Plan may result in disconnected policy, strategy and vision, and missed opportunities to improve place, communities and outcomes for the individuals within the communities. It was also suggested that there could be confusion if a Locality Plan and LPP cover the same area but have different priorities. Amongst the specific risks or problems which respondents thought could arise should the two Plans differ were that:
- LPPs could be used as a tool to prevent otherwise appropriate development meeting identified needs.

- Anyone preparing or assessing planning applications has to assess them against relevant plans. Confusion regarding what is acceptable and what is not could lead to costly delays and additional work, including for local authorities.

2.12 It was noted that, by definition, Locality Planning areas are experiencing more disadvantages, and the connection to LPPs was seen as a way of helping to keep a continued focus on addressing socio-economic inequalities at a community level. It was seen as important for a community body to prioritise any community proposals in an area of multiple social deprivation in its LPP.

2.13 In terms of other positives to stem from having regard to any Locality Plan, it was suggested that the requirement would:

- Ensure there is an evidence base for LPPs and that duplication of effort is avoided, including through pooling of resources.
- Help build relationships between community bodies and other community planning partners. It was also noted that a range of stakeholders will have input into the Locality Plan and, where appropriate, may also be able to contribute to and assist in the preparation of an LPP.
- Provide an opportunity for communities to collaborate and share learning with other local communities when developing projects and ideas as well as responding to communities of interest.
- Help ensure that community involvement does not become the preserve of less deprived areas or individuals.

### **Caveats or queries**

2.14 Although agreeing with the proposal, a number of respondents, including some Community Council or Trust and Individual respondents, did note that their support was conditional on it being possible for a community to take a view that differs from the Locality Plan and the LPP does not have to accept or include the contents of the Locality Plan. This was sometimes framed in relation to what is meant by 'having regard' to any Locality Plan, with further observations including that community bodies should be able to call for changes to be made to the Locality Plan to take their views into account. Another suggestion was that if there are existing plans which the LPP is not able to support, and if after negotiation between the community body and the local authority these areas remain unresolved, the LPP should include a record of points of difference.

2.15 Other caveats to agreeing with the proposal included that:

- The consultation document rightly highlights that Locality Plans may now be out of date. It is important that older plans do not overrule new LPPs when the needs of the area may well have changed. If a Locality Plan was produced several years before and, in the interim, there have been some significant changes in the locality, then there ought to be a mechanism whereby community bodies' proposals for changes to the Locality Plan can be considered along with the LPP.

- Community Planning Partnerships (CPPs) must have undertaken high quality community engagement in order to create the Locality Plan. An example given was that Locality Plans that have been developed with the involvement of children and young people are much more likely to be attuned to children and young people's priorities than those emerging through LPP preparation.
- The Locality Plan must be available in an accessible form and, ideally there should be opportunity to discuss the Plan with someone involved in working on its contents. This would support groups, and in particular children and young people, to engage in the process in an informed fashion.

## Options going forward

- 2.16 With regard to how community bodies could have regard to Locality Plans, it was suggested that, as far as possible, the process for preparation and standards for engagement should be consistent across any group or agency leading such exercises.
- 2.17 A number of Local Authority respondents were amongst those suggesting that there is potential for a community group to collaborate with community planning partners in the integrated production of a LPP and a future Locality Plan, and that this could prevent consultation fatigue for communities and duplication of effort.
- 2.18 Local Authority respondents were also amongst those suggesting that CPPs and community bodies may wish to go further and integrate LPPs and any Locality Plan. It was suggested that allowing Locality Plans and LPPs to be joined would be the best possible solution for holistic, place-based service provision, and could help reduce possible confusion resulting from different plans being in place.
- 2.19 A connected point was that, given that the Scottish Government has confirmed no additional funding will be made available to support the production of LPPs, the use of existing resources will be essential, and the approach would also recognise that community bodies are likely to be staffed by volunteers and subject to their own resource constraints.
- 2.20 There was a call for further consideration to be given to how a combined approach could be encouraged and enabled in practice, including whether the approach would need to be provided for through secondary legislation. There was also a call for guidance to consider how a joint approach could be taken forward. One suggestion was using the Local Outcome Improvement Plan (LOIP) as a central reference point.
- 2.21 Suggestions relating to the proposal that community bodies should have regard to any Locality Plan included that:
- Local authorities should provide a list of any Locality Plans and LOIPs that should be taken into consideration.
  - In the event that a Locality Plan is not already in place for the relevant areas, it may be that aspects of the usual contents of a Locality Plan could be incorporated into an LPP, for example, local projects.

- The LPP development process could also act as an opportunity to kick start a Locality Plan review, focused on land use, development and the change of use of land.
- There will be instances where the area covered by an LPP does not correspond with that of a Locality Plan or extends over two or more Locality Plans. A Locality Plan may be out of date or not be in place for a proposed LPP area. The Regulations should address these issues.

## **Views of those disagreeing with the proposal**

2.22 Those disagreeing with the proposal sometimes raised similar issues to those who had made their agreement conditional on community bodies being able to take a view that differed from the Locality Plan. Comments included that community bodies should not be constrained from the outset, should as far as possible be able to start with a 'clean sheet', or that collectively agreed decisions made by a representative group of community members in an LPP should take precedence over a Locality Plan. Supporting arguments included that:

- There is no standard to determine the content and quality of a Locality Plan.
- The overlap between Locality Plans and LPPs is quite limited. Also, in urban areas the facilities designated in a Locality Plan may be – and may best be - delivered entirely outside any specific LPP area.
- Locality Plans are prepared by CPPs who have a political agenda driven by the Scottish Index of Multiple Deprivation and who undertake little or no consultation with local communities.
- The complexity of the process of having regard to a Locality Plan - and of Locality Plans themselves - will deter participation and exacerbate inequality.
- Should a community body conclude that their LPP ought not to entirely reflect the Locality Plan, they may not have the expertise to prepare a demonstration that they have indeed had regard to the Locality Plan, which will stand up to (potentially aggressive) legal scrutiny.

2.23 Alternative approaches proposed included that there should not be a requirement to take a Locality Plan into account, with 'should' being removed and replaced with a recommendation to make reference to the Locality Plan.

2.24 It was also suggested that any requirement to have regard to Locality Plans does not need to be expressed in legislation. The connection was made to the original policy ethos of keeping LPP legislation uncomplicated and light touch, and it was noted that community bodies will already have a requirement to have regard to the National Planning Framework (NPF) and LDPs, both of which comprise the statutory development plan which will have been rigorously scrutinised and examined. It was suggested that any requirements to consider Locality Plans should be covered by guidance rather than legislation or regulation.

**Question 2:** Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

Please comment on your answer, giving examples (particularly if you agree)

2.25 Responses at Question 2 are set out in Table 2.2 below.

**Table 2.2**

**Question 2:** Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

	Yes	No	No view	Total
Individuals	51	4	6	61
<b>% of individuals answering</b>	<b>84%</b>	<b>7%</b>	<b>10%</b>	
Organisations				
Community Council or Trust	28	6	2	36
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	32	0	0	32
Other - private sector	8	0	0	8
Public Body	5	0	1	6
Representative Body	8	1	0	9
Third Sector or Voluntary Group	19	4	0	23
Total organisations	116	11	3	130
<b>% of organisations answering</b>	<b>89%</b>	<b>8%</b>	<b>2%</b>	
All respondents	167	15	9	191
<b>% of respondents answering</b>	<b>87%</b>	<b>8%</b>	<b>5%</b>	

2.26 A substantial majority – 87% of those answering the question – considered that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan. Those disagreeing - 8% of those answering the question - were Community Councils or Trusts, Third Sector or Voluntary Groups or Individuals and a Representative Body. The remaining 5% of those answering the question had no view.

2.27 Around 160 respondents provided an additional comment.

### **Views of those who thought that community bodies should have to have regard to other additional matters beyond the Locality Plan**

2.28 In addition to giving examples of additional matters beyond the Locality Plan that community bodies should have regard to, a number of respondents made more general observations relating to the types of matters that should be taken into account.

2.29 Comments included that it is likely that, for any given area, there will be other relevant policies, plans and strategies, including those produced by local authorities and community planning partners or bodies. Community led action plans prepared by community trusts were given as an example.

- 2.30 As suggested in the consultation paper, it was recognised that it would be difficult to capture all relevant materials within secondary legislation. However, it was suggested that it will be important that those developing LPPs are encouraged to consider the local context and take relevant plans into consideration as part of their own plan preparation processes.
- 2.31 However, it was also suggested that any requirements beyond the Locality Plan should not be too onerous. Very much reflecting comments at Question 1, points included that a formal legal requirement would be burdensome for many community groups and the more prescriptive the process becomes, the less likely a community body is likely to be able to, and willing to develop a compliant LPP. An associated concern was that a long list of additional matters might be perceived as too 'top down' and as going against the very notion of community led planning.
- 2.32 There was a range of different perspectives in terms of how any requirements should be framed, including that:
- Dependant on the nature of the LPP, the Scottish Government should consider making it a duty on a community body to have regard to any relevant subject plan, particularly those required by statute and subject to statutory scrutiny, when preparing an LPP.
  - Community bodies should be directed to have regard to certain plans - with the LDP, NPF and LOIP all cited - and should be encouraged to review any other community plans and local programmes for the area relevant to them when context setting and drafting their vision and priorities for the LPP.
  - Any direction should be expressed via guidance rather than regulations. There was reference to guidance at either a national or a local level.
- 2.33 In terms of how relevant materials should be defined, it was noted that plans relevant to local communities and their LPPs may be geographical or spatial but also that they could be thematic, for example related to community learning and development or specific groups, including with a focus on inequalities.
- 2.34 Recognising the potential complexity, including the number of plans, strategies or documents that could be of relevance, it was suggested that:
- There should be a requirement for the community body preparing an LPP to consult the relevant planning authority early in the LPP production process to be made aware of all existing relevant plans.
  - It would be helpful if the legislation made clear provision for local authorities to produce additional guidance to that being developed by the Scottish Government to reflect local circumstances. Identifying within that guidance other plans/strategies that should be taken cognisance of in developing LPPs where these might impact on land use. It could be beneficial for guidance to recommend some dialogue between the community body and local authority to ensure local guidance has been reviewed and addressed and an analysis of the potential scope and content of the LPP has been reviewed.
  - A list of applicable documents could be provided to any interested community body that approaches the planning authority to express their interest.

- Community bodies should also be encouraged to take cognisance of any approved planning permissions or applications for substantial development proposals in their areas, including the results of any previous public consultation undertaken on them.

2.35 It was also suggested that community bodies could be encouraged to carry out an exercise leading to the production of an Equality Impact Assessment, and that this would encourage them to consult and engage with as diverse a group of individuals as possible from the community.

### **Local Outcome Improvement Plan**

2.36 A number of respondents, and particularly local authority respondents, considered that community bodies should give consideration to LOIPs, given their significance in community planning and to ensure a comprehensive understanding of local priorities. It was suggested that LOIPs provide a rich resource of information and collaborative working developed by a range of partners.

2.37 It was noted that not all areas have Locality Plans and taking LOIPs into account would ensure that emerging LPPs are informed by engagement with local authorities, community planning partners and other key stakeholders as well as having regard to and alignment with relevant policies, plans and strategies. It was also suggested that the LOIP could be a relevant reference document irrespective of whether there is a Locality Plan, including because it gives a high-level steer on inclusion, inequality and other strategic issues when preparing and engaging on an LPP.

2.38 However, a Community Council respondent noted that a LOIP may make no specific mention of the area being covered by an LPP. Another had a concern around the community engagement involved in developing LOIPs, and whether they represent a top down approach. The connected concern was that taking them into account could affect whether an LPP fully reflects the views of the community.

### **Local Development Plans and the National Planning Framework**

2.39 There is already a requirement for community bodies to have regard to the LDP and NPF in preparing their LPPs. However, there were a number of references to LDPs and in particular to those developing LPPs having regard to the evidence report for adopted and emerging new-system LDPs. It was suggested that evidence reports will provide a readily-accessible source of information directly relevant to development planning and are likely to include information that is equally relevant to LPPs, including evidence relating to housing.

2.40 The fourth National Planning Framework (NPF4) was also recognised as being of relevance to LPPs, although one perspective was that a legislative requirement that community bodies have regard to NPF4 when preparing their plans may be unnecessary and overly onerous if LDPs are already consistent with NPF4.

### **Community planning partners**

2.41 There was also reference to considering the plans of the statutory community planning partners.

## **Community Action Plans**

- 2.42 It was suggested that Community Action Plans may be particularly relevant in some rural areas or islands, especially because they cover large parts of the area, including land within or immediately adjacent to settlement boundaries.
- 2.43 In terms of the relationship between Community Action Plans and LPPs, it was suggested that where there are both, but the bodies responsible are different, it will be important for the community body developing an LPP to collaborate with the body that was responsible for the Community Action Plan.

## **Thematic plans or strategies**

- 2.44 Respondents also identified a range of theme or topic-related plans or strategies which could be of relevance, although it was noted that the need to have regard to material relevant to their local area may only be required if a LOIP is not in place. Suggestions included:

- Sustainability and climate change strategies, or a local authority-level Climate Change Manifesto. Also green network strategies.
- Land use strategies.
- Biodiversity strategies.
- Coastal plans.
- Island Plans.
- Economic or investment plans or strategies.
- Transport strategies or plans, including active travel strategies.
- Housing strategies or plans, including Local Housing Strategies.
- Local Heat and Energy Efficiency Strategies.
- Health or wellbeing-related plans, including Health and Social Care Partnership Locality Plans.
- Play strategies.
- Learning estate strategies.
- Open space strategies.
- Town centre strategies.
- Business plans for any business improvement district.
- Development trust plans.
- Cultural or creative plans or strategies, at a local or regional level, as well as the National Culture Strategy for Scotland.

- Heritage strategies and conservation area management plans.
- Good food and growing strategies.

### **Views of those who thought that community bodies should not have to have regard to other additional matters beyond the Locality Plan**

- 2.45 Those who did not consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their LPP tended to raise similar concerns to those who had disagreed with having regard to any Locality Plan (at Question 1). These included that any approach should not be too prescriptive and that, for it to be effective, the community who are preparing their LPP must feel that the ownership of that plan and its authorship resides locally.
- 2.46 As with some of those who had agreed, it was suggested that any matters to be considered should be set out in guidance rather than regulation. Other comments included that:
- As an LPP is strictly about land use and buildings, in a prescribed and limited area, the degree of intersection with other plans – even Locality Plans and LOIPs - is likely to be small.
  - It would be extremely difficult for a community group to show - to a legally-defensible standard - that they have indeed taken full account of other matters which they then conclude should not be entirely reflected in their LPP.

### 3. Form and content of the Local Place Plan

3.1 The consultation paper sets out a proposal that the LPP should contain two elements: a statement setting out the community’s proposals for the future development or use of land within the area covered by the LPP; and a map of the area covered by the LPP, which must be annotated to provide the boundary. It suggests that other information being submitted to support the LPP may be best submitted as ‘additional information’.

**Question 3:** Do you agree with the proposal that an LPP should contain a statement setting out the community’s proposals plus a map of the area, setting out the LPP boundary?

Please comment on your answer (particularly if you do not agree)

3.2 Responses at Question 3 are set out in Table 3.1 below.

**Table 3.1**

**Question 3:** Do you agree with the proposal that an LPP should contain a statement setting out the community’s proposals plus a map of the area, setting out the LPP boundary?

	Yes	No	No view	Total
Individuals	59	1	1	61
<b>% of individuals answering</b>	<b>97%</b>	<b>2%</b>	<b>2%</b>	
Organisations				
Community Council or Trust	36	0	0	36
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	31	1	0	32
Other - private sector	8	0	0	8
Public Body	5	0	1	6
Representative Body	10	1	0	11
Third Sector or Voluntary Group	20	2	0	22
Total organisations	126	4	1	131
<b>% of organisations answering</b>	<b>96%</b>	<b>3%</b>	<b>1%</b>	
All respondents	185	5	2	192
<b>% of respondents answering</b>	<b>96%</b>	<b>3%</b>	<b>1%</b>	

3.3 A very substantial majority - 96% of those answering the question - agreed with the proposal that an LPP should contain a statement setting out the community’s proposals plus a map of the area, setting out the LPP boundary. Of the remaining respondents, 3% of those answering disagreed and 1% had no view.

3.4 Around 130 respondents provided a further comment.

3.5 Comments made by those who disagreed tended to reflect issues also raised by those who had agreed. Where this applies, this is noted in the analysis presented below.

- 3.6 General observations made by those who agreed with the proposal included a focus on the importance of clarity. It was suggested that LPPs should be well-structured and visual, using graphics, photographs and maps.
- 3.7 There was a view that community bodies are likely to need assistance with LPP content, graphics and mapping work, and that this potentially raises significant resourcing issues. There was an associated call for the Scottish Government to consider what additional resources, including technical and funding support, can be made directly available to community bodies to support LPP work.
- 3.8 There were frequent references to the need for guidance on the development of LPPs, with further suggestions including that:
- A template would give a useful indication of the form and content that a LPP could take in line with the regulations and good practice.
  - A steer on format issues would be useful, for example around ensuring legibility for readers and the use of other languages to reflect the community living in the area covered by the LPP. If local authorities are to register and potentially incorporate the content of LPPs into the LDP, the Digital Transformation agenda and the requirements on local authorities in terms of data standards, accessibility and General Data Protection Regulations (GDPR) all need to be considered.
  - Guidance on copyright should be provided.
- 3.9 However, it was also noted that for LPPs to work across Scotland, it will be important for local authorities and the Scottish Government to embrace diversity and anticipate a wide range of LPPs in terms of content, style and form.

### **Statement of proposals**

- 3.10 In terms of issues about the statement to be clarified or addressed in guidance, queries included whether it would be a high-level vision or a set of specific proposals relating to specific types of development or sites. It was suggested that the type and level of detail of the content will likely have a significant bearing on its consequences in practice and the ease with which the planning authority can reflect it in the LDP.
- 3.11 One reason given for disagreeing with the proposal was that it will be important for the planning authority and the wider local community to understand how the proposals and delivery mechanisms were arrived at, and that this will require the statement to include more information than that proposed. A connected issue related to the point at which an LPP is taken into account in preparing the LDP – whether at the evidence report stage or when the proposed LDP is produced. It was suggested that this needs to be made clear and, if it is to be at the evidence report stage, then guidance has to be provided on the type of evidence that should accompany the submission of an LPP. It was noted that the timing of the submission of the LPP would also be critical as it would be inappropriate to delay the submission of the evidence report to Scottish Ministers while waiting for LPPs to be produced.

3.12 Specific suggestions for elements that should be covered in the statement, raised by those who had agreed or disagreed at the closed question, included that the following could be required:

- Terms of reference. Who is responsible for the LPP and how it is to be governed and reviewed.
- An anticipated lifespan of the LPP.
- The vision and objectives for future development of the area.
- Information on how the LPP complies with statutory requirements.
- Reference to any evidence base used to develop the LPP.
- A description of the consultation activity that has been undertaken and how this has informed the LPP.
- How proposals directly relate to land and buildings. The community's reasons or justification for identifying land and buildings of particular significance to their local area, supported by appropriate evidence.
- Information on the delivery of the LPP. The statement should also set out how proposals could be implemented with timeframes for delivery. Details on what steps they have taken to ensure the plans are realistic, for example whether they have landowner approval, whether there is funding available or how they propose to secure that funding.
- Any potential impacts of a proposal, for example environmental, inequality, economic, or health and safety-related.

3.13 A number of the suggestions set out above were also made in relation to additional information that could be required (see below).

### **Map of the area**

3.14 Comments about the proposal that a map of the area covered by the LPP should be required included that this would be essential, and a clearly defined boundary would be highly beneficial. There was a view that, at its core, an LPP should be a spatial representation of a community's proposals for the area and that proposals should be spatially detailed and mapped as far as possible. However, an issue raised by a respondent who disagreed at the closed element was that the question presupposes that an LPP has a sharp boundary in the first place.

3.15 In terms of advantages that respondents saw as associated with a mapping requirement, there was reference to:

- Helping inform the community body proposing the LPP of overlaps with any other relevant plans, such as Locality Plans.
- Clarifying which communities may be impacted by the LPP, and potentially avoiding unnecessary overlapping with an adjacent community.

- 3.16 Although there was support for a map being required, it was acknowledged that this requirement would bring challenges, including in terms of community bodies having access to the skills, resources and permissions, that allow for creation or legal use of maps and diagrams. There was a call for LPP guidance to set out good practice for the production of maps and other visual information, with specific suggestions including that:
- Guidance - for both community bodies and local authorities - should cover the quality of mapping expected, and any costs attached.
  - A basic template might help and could set out all the key requirements for an LPP to be held as valid by the local authority.
  - Ordnance Survey originated maps would be preferable.
  - Maps should be produced at an appropriately meaningful and legible scale.
  - A variety of mapping should be encouraged, including 3D and townscape maps.
  - Providing support in terms of access to geographic information systems and other digital tools will be necessary.
- 3.17 There was a concern about the estimated costs for design work set out in the partial Business and Regulatory Impact Assessment (BRIA). The £2,000 - £2,500 estimate for design work given was described as prohibitive for many communities but, in any case, as optimistic. Cost-related solutions or options identified included that:
- The Scottish Government's digital planning programme has the potential to assist.
  - It would be helpful if community bodies could take advantage of their local authority's access to Ordnance Survey maps.
- 3.18 In terms of any specific elements that respondents thought should be included with the mapping, suggestions tended to focus on the boundaries for any site-specific proposals. It was thought that setting out a project's extent physically could help prevent ideas becoming unrealistic, particularly within a budget. Other comments included that:
- An Ordnance Survey-based plan, showing the boundary of each site, should reduce the potential for disputes to arise over the interpretation of an LPP when, for example, having regard to it in preparing an LDP.
  - Where specific land or buildings are identified for community development, then feu/boundary and ownership should be identified on the map wherever possible.
- 3.19 It was also suggested that identifying locally significant land and buildings on a map would also be useful in the context of development management decisions, ensuring that community assets are given appropriate weight in the planning process.

## Issues highlighted by a mapping requirement

- 3.20 A number of respondents raised issues about the implications of, or area-based challenges highlighted by, including a map of the area covered by the LPP. These included that defining a boundary should not prevent that LPP from containing proposals which extend beyond its boundaries, for example relating to path networks or transport services. Particular issues relating to large urban areas were highlighted, including in relation to matters which overlap an LPP's boundary or can exist outside the area – such as infrastructure, health facilities and affordable housing. It was also noted that islands often share resources and that plans overlap, especially over transport hubs and across social work sectors. It was suggested that it should be possible to cover issues and opportunities beyond its boundaries, but which may directly affect the LPP area.
- 3.21 Equally, it was noted that those outwith an LPP area could be affected by the proposals set out in an LPP but that a clearly defined geographical boundary may lead a community group seeking to consult on some issues to exclude relevant local people that live outside it. An example given was in relation to a town centre and its relationship to adjacent residential areas and its rural hinterland.
- 3.22 There was a call for clarity and for additional guidance to address the relationship between a community's ambitions or needs and the land, infrastructure or services that fall outwith the geographical area covered by their LPP.
- 3.23 There were also comments about the relationship between LPP areas, including that there is a possibility that different community groups – for example a community council and a development trust – may request LPP boundaries which overlap. One option proposed was for regulations or guidance to identify that for any area there should be only one lead community group, preferably a community council. The guidance could then set out that the lead community group can produce the LPP, either themselves or in collaboration with another community group.
- 3.24 It was suggested that if LPPs are produced that have areas that overlap, the regulations need to set out a clear procedure for the planning authority and the lead community councils or groups to collaborate. The regulations or guidance should:
- Require LPPs to avoid duplication.
  - Encourage visions and actions that complement each other.
  - Set out the process for resolving or objecting to any 'competing' content. This could include identifying independent bodies or mediators available to advise on this and setting out any appeal process, specifying when this should be referred to the planning authority and situations when it can be referred to the Scottish Government.

## Additional information

- 3.25 With reference to the potential role of 'additional information' being submitted alongside the LPP, one view was that this is not a helpful distinction and has the potential to create misunderstanding over what constitutes part of an LPP and what does not.

3.26 Very much reflecting points made about the Statement, others suggested information that should or could be set out, including:

- A description of the consultation activities that have been undertaken, including with local councillors, and how this consultation has informed the LPP (covered in greater detail at Questions 4 and 5).
- How the LPP fits with any Locality Plan or LOIP and how it interacts with the LDP.
- A statement indicating how the proposals of an LPP will be delivered. This should, at a minimum, indicate who is the lead on the project action, supporting partners, funding and timescale for delivery.

3.27 In relation to how the proposals would or could be delivered, it was suggested that this information would help ensure readers and users of the LPP understand where proposals are already likely to be delivered and where additional support will be required. Specific suggestions included that community bodies could provide information about:

- Any agreement in principle from landowners or whether potential development partners have been identified.
- Whether any of the proposals could be delivered through developer contributions if LDP policy prioritised their use for that purpose.

## 4. Steps to be taken before preparing the Local Place Plan

- 4.1 The consultation paper explains that, from examples of community led plans, it is apparent that community bodies have taken engagement with their communities seriously and have taken positive steps to engage with their communities to ensure that they have evidence of their community's aspirations and views.
- 4.2 Views were sought on whether there should be statutory requirements on community bodies to engage with their local communities in preparing the LPP, or if engagement options could be better explained in guidance instead.

**Question 4:** Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?

4.3 Responses at Question 4 are set out in Table 4.1 below.

**Table 4.1**

**Question 4:** Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?

	Yes	No	No view	Total
Individuals	44	14	3	61
<b>% of individuals answering</b>	<b>72%</b>	<b>23%</b>	<b>5%</b>	
Organisations				
Community Council or Trust	25	10	1	36
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	31	0	0	31
Other - Private Sector	6	2	0	8
Public Body	4	1	2	7
Representative Body	11	0	0	11
Third Sector or Voluntary Group	17	4	2	23
Total organisations	110	17	5	132
<b>% of organisations answering</b>	<b>83%</b>	<b>13%</b>	<b>4%</b>	
All respondents	154	31	8	193
<b>% of respondents answering</b>	<b>80%</b>	<b>16%</b>	<b>4%</b>	

- 4.4 A majority of respondents – 80% of those answering the question – thought a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law. Of the remaining respondents, 16% did not think so and 4% had no view. The majority of organisations that did not think a requirement should be set out in law were Community Councils or Trusts.
- 4.5 Around 165 respondents provided a further comment.

## Views of those supporting a statutory approach

- 4.6 Those who thought a requirement should be set out in law sometimes referred to such an approach being essential, fundamental or vital, and that the approach should be prescribed in order to aid transparency, and promote consistency across LPP areas. Other reasons given for favouring the statutory approach included that without wide engagement LPPs cannot fulfil their intended role in helping to increase collaboration and reduce conflict. It was reported that, while community bodies typically do excellent consultation, in the worst cases there can be a lack of transparency as well as conflicting aspirations within a community.
- 4.7 It was also suggested that a statutory requirement would help ensure that the timescale for production, potential resource implications, engagement with the public and potential for collaboration with community planning partners are considered early. It would also provide a clear steer that LPPs are to be based on a robust evidence base which reflects the views of the local community.
- 4.8 It was seen as important that the LPP process is rigorous in upholding the rights of all people to have the opportunity to have their say and engage on land use matters in their local area. There was a concern that, without the requirement being set out in law, there would be a risk that LPPs could be prepared by only a few individuals, or by only a small group of people with a focused agenda. There was also a concern that, while many community bodies will be well intentioned, bias is likely to exist. This was connected to a danger that community groups could prepare LPPs that oppose, rather than include, the needs and views of marginalised groups.
- 4.9 Further, it was stressed that engagement is not a task that a community body should take lightly, including because it is an integral part of the legitimacy of an LPP. In essence, the requirement to seek the views of those in the community should be enshrined in legislation to ensure it is taken seriously.
- 4.10 However, it was acknowledged that some forms of community engagement can involve considerable resources which may be difficult for community bodies, even if some assistance were available. Although supporting a statutory approach, some respondents commented that any requirements should not be excessively onerous or prescriptive or should be as light-touch as possible. There was also a call for minimum standards, which are easily understood and measurable, in order to ensure extensive and fair consultation.
- 4.11 There were a small number of comments about safeguards that could be appropriate, including:
- That the legislation could set out a process for another body or an individual to request engagement during preparation of an LPP. It was suggested that this could provide the surety of inclusion without administrative burden.
  - That a further step should be put in place to ensure that the views expressed by local people are accurately represented in the LPP. There should also be a requirement to record and demonstrate how inputs provided through an engagement exercise have been reflected in the final LPP.

- Any minimum requirement should include providing feedback to all those engaged about how their views and experiences have influenced decision making.
- A question as to whether it be possible for there to be an appeal against an inadequate process being followed or whether a lower level of engagement would give a local authority grounds to reject an LPP?

4.12 While many of the comments focused on community engagement, it was also suggested there should be a statutory requirement for community bodies to engage with planning authorities in developing their LPP. It was thought that this would align with the collaborative spirit of legislation and help to guide LPPs in relation to relevant policies, plans and strategies to which the community body should have regard.

### **Views of those not supporting a statutory approach**

4.13 Those who did not support a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP being set out in law sometimes raised similar points to those who had agreed. It was suggested that a very light touch is needed, that a statutory requirement would be too prescriptive, and that guidance would be preferable to regulation.

4.14 The importance of some form of engagement was accepted, but it was also noted that different community bodies have different strengths and weaknesses including in relation to particular expertise. It was also noted that those working with and for community bodies are generally volunteers and the amount of time they are able or willing to give may be limited. There was an associated concern that a legal requirement would be counterproductive in that many volunteers would cease their involvement due to concerns about too much work and too much accountability.

4.15 Further concerns about the practicality and viability of any overly prescriptive approach included that it is difficult to reach everyone in an area within a given timescale and that costs can be considerable.

4.16 In addition to the preference for guidance rather than regulation, suggestions for alternative ways forward included that:

- Any requirement should not be statutory if the community body is formally constituted, for example in the case of community councils. A connected point was that community councils, and some development trusts, already have a statutory duty to consult. It was suggested that any decision to regulate should be done by extending the form of obligations already in place for community councils and community trusts to cover any other type of community body compiling an LPP.
- The early-stage statutory burden should apply to the community body rather than to the LPP. The community body should, for example, have regard to the National Standards for Community Engagement<sup>2</sup> when either constituting

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<sup>2</sup> Available at <http://www.voicescotland.org.uk/Seven-NS/>

itself for the purpose of preparing an LPP, or in the case of a pre-existing body, when taking the decision to prepare an LPP.

- 4.17 While the focus of most comments was on the impact on community bodies, it was also noted that any requirement to engage with other stakeholders will also impact on those stakeholders themselves. It was noted that stakeholders, particularly if operating across many areas of Scotland, may not have the resources to provide support to every LPP. It was suggested that communities should have the flexibility to take a proportionate approach towards engaging appropriate people and stakeholders.

**Question 5:** If a requirement to seek the views of people is put into law, what should any minimum requirement be?

- 4.18 Around 170 respondents answered Question 5.

- 4.19 General observations included that the aim should be for communications to reach the majority of the population to inform and spark people's interest and provide an invitation for them to get involved in the process. It was seen as vital to create an inclusive approach from the start, but the importance of limiting the administrative burden on community bodies was also noted.

- 4.20 Respondents also highlighted standards or requirements in other contexts which they considered to be relevant to the development of LPPs. Comments included that:

- Legislation for consultation and engagement on LPPs should be consistent with provisions in the Community Empowerment (Scotland) Act 2015.
- The National Standards for Community Engagement should be taken into consideration as good practice when setting a minimum requirement. There could be reference to good practice for community engagement as defined by the Development Trust Association Scotland.
- The Community Right to Buy process could provide a template for minimum engagement requirements for LPPs. It was reported that the process generally requires the backing of 10% of the local community as sufficient evidence of local buy-in, although Scottish Ministers can accept a lower proportion in some circumstances.
- Any approach should be similar to that required for LDPs. It was noted that, if LPPs are to be adopted into LDPs, then there would be a requirement to have the elements within them consulted on. An associated concern was that if the community body has not done this, then the onus will fall onto the local authority.
- The requirements should be broadly in line with the pre-application consultation requirements which developers are required to follow in line with The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021.

- 4.21 There was also reference to the use of the Place Principle and support for the use of the Place Standard tool, with further comments including that this approach is now recognised by the World Health Organisation. Digital engagement tools, such as Placebuilder, were also mentioned.
- 4.22 It was suggested that any requirements should be dependent on and reflect the specific nature of each community seeking to create an LPP. It was also suggested that the nature of the community engagement should be flexible and determined by the community body, taking into consideration any Community Consultation Engagement strategy documents produced by the Scottish Government or by the local authority covering the LPP area.
- 4.23 A different perspective was that the regulations should include a duty to consult specified communities of interest in order to ensure that decision-making is sufficiently supported with a framework that communities can apply to their individual processes.
- 4.24 Whatever the requirement, and as at other questions, there were a number of references to the need for resources being available to community bodies. One perspective was that it will be important for bodies to be enabled to carry out engagement independently of local government. Another was that, where supported by the necessary resources, local authority community and planning teams would be in a position to provide positive support.
- 4.25 There were also references to the role and focus on guidance, including that the Renfrewshire Council 'How to' Guide<sup>3</sup> provides a starting point, but could be further refined to be of practical use. It was also suggested that guidance should include advice and case studies on planning engagement models.

### **Setting out the plans for engagement**

- 4.26 In terms of clearly setting out the planned approach, it was suggested that the legislation should require that, prior to preparing LPPs, community bodies should publish a programme of community engagement, so that those interested can understand the engagement process and key stages for their input. One suggestion was that this programme of engagement should then be submitted to the relevant planning authority for their approval and should be publicised and duly notified (through local papers, social media etc.).
- 4.27 A connected point was that a statement and evidence of conformity with the scheme should be submitted to the planning authority alongside the LPP. Others also suggested that there should be a requirement to report on the consultation and engagement that has been undertaken and a Local Authority respondent reported that, because of the Public Sector Equality Duty, they would need this evidence when preparing an Equality Impact Assessment to validate an LPP. A specific suggestion was that the proposal should be re-phrased to state that what should be required in law is for the community body to “demonstrate how they have engaged with and sought the views of the local community and other stakeholders”.

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<sup>3</sup> Local Place Plans 'How To' Guide. Available at [https://www.renfrewshire.gov.uk/media/9367/Local-Place-Plans-How-To-Guide/pdf/Local\\_Place\\_Plans\\_How\\_To\\_Guide\\_SC\\_final.pdf](https://www.renfrewshire.gov.uk/media/9367/Local-Place-Plans-How-To-Guide/pdf/Local_Place_Plans_How_To_Guide_SC_final.pdf)

- 4.28 It was suggested that the guidance should require that a consultation statement be included with the submission setting out how, and with whom, consultation has been carried out and how this process informed the LPP. Specific suggestions included that the LPP should:
- Highlight how the community body advertised engagement and consultation opportunities to the wider community within the LPP area.
  - Set out the engagement mechanisms utilised at milestones, including the reasons for using particular tools and level of responses / engagement at each stage through each mechanism.
  - Note any key agency consultation.
- 4.29 One suggestion was that, if a planning authority considers that insufficient engagement has in fact taken place it should be able to instruct the community body to undertake further engagement.

### **When engagement should be required**

- 4.30 Some respondents addressed when within the timeframes of developing an LPP a community body should be required to engage, with references to both being engaged in the preparation of an LPP and/or being consulted on a draft LPP. Please note that consulting on the draft LPP is the focus of Questions 6 and 7.
- 4.31 References to community bodies consulting on a draft LPP sometimes framed this as being the minimum requirement and it was also suggested that, rather than specifying minimum requirements for consultation and engagement, there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting it.
- 4.32 An alternative view was that there should be community engagement opportunities prior to preparation of the draft LPP document and with a focus on gathering people's thoughts and ideas. It was suggested that consulting only at Draft Plan stage could be counterintuitive as the issues and solutions have been well formed at this point and respondents are largely responding to these established issues rather than being given a chance to suggest their own. A requirement for 'a call for issues' type consultation early in LPP preparation was proposed.

### **With whom community bodies should engage**

- 4.33 A number of the comments (both at Question 5 and Question 4) identified communities of interest - groups or individuals - who respondents considered should be covered under any requirement. The most frequent references were to the general public, residents or those living within the boundaries of the LPP. It was suggested that it is residents who will be most impacted by decisions and actions related to places, and that those most affected by any plan should have the greatest importance in any decision making.
- 4.34 One approach suggested was that there should be a requirement for a minimum proportion of the community to be consulted or to have been approached for comment. It was suggested that a benchmarking approach could help inform requirements. As noted above, it was reported that the Community Right to Buy

process generally requires the backing of 10% of the local community as sufficient evidence of local buy-in.

- 4.35 However, an alternative perspective was that a minimum response rate should not be specified, and it should be down to the community body to decide if they have a mandate to take the LPP forward, taking account of both the qualitative as well as quantitative information they have.
- 4.36 Other comments considered the profile of those engaged with, with suggestions including that representations should be expected to approximately reflect the demographic profile – for example relating to age, gender, ethnicity or employment status – of the area. It was noted that the key thrust of the 2019 Act was to ensure community engagement in the early stages of the planning process and that it is critical that LPP engagement should be framed to ensure inclusivity and that sectors of communities are not disadvantaged.
- 4.37 In support of this approach, it was suggested that guidance should highlight the importance of ensuring that engagement takes place in a way that is fully accessible and supports participation across the community. It was noted, for example, that consideration needs to be given not only to how people are made aware of the LPP development, but also how to ensure that people with a range of different requirements can express their views. It was also noted that the resource implications of such engagement should be recognised and supported.
- 4.38 Specific suggestions included that steps should be taken to facilitate engagement with organisations for disabled people, organisations of disabled people, and with individual disabled people and with similar groups for minority ethnic people as well as individuals who may not be members of such organisations but are likely to have relevant views. Community bodies should be required to indicate what steps have been taken to engage with disabled people and minority ethnic people and how issues raised were considered by the community body.
- 4.39 There was also specific reference to:
- Travellers, or Scottish Gypsy / Travellers specifically.
  - Showpeople. It was reported that while Showpeople make significant social and economic contributions to their local area, community councils often fail to consider these communities as residents in their own neighbourhoods. In terms of consulting Scottish Showpeople, the recommendation was for a minimum statutory requirement that contact should be made with all relevant representative groups and landlords in each locality with enough time for people to respond meaningfully.
  - Gaelic speaking communities. There was a concern that the proposed regulations do not ensure that their needs will be accounted for in LPPs. It was suggested that, at the least, this should be referenced in the final version of the regulations.
- 4.40 Children and young people were a frequently raised group. There was a connected concern about the potential for the views of children and young people to be consistently overruled by other members of the community.

- 4.41 It was suggested that community bodies should be required to promote and facilitate participation by children and young people, in common with the new statutory requirement for local authorities to do so when preparing new LDPs. In this context, the impact of United Nations Convention on the Rights of the Child legislation and duties in the 2019 Act were noted, as was the need to involve the whole community, children and young people from diverse backgrounds and disabled children, including children with complex needs and their families. It was also reported that groups such as younger children, young people experiencing poverty or from ethnic minority backgrounds are more likely to be excluded from opportunities to share their views.
- 4.42 In terms of approaches it was suggested that:
- It is essential that guidance is provided for community bodies in how to deliver meaningful engagement with children and young people. It should recognise that the methods used for gathering the views from adults may not be suitable for children and young people.
  - There could be a requirement to consult with schools and youth organisations.
  - Appropriate co-creation methods should be used to effectively engage with children and young people. The Place Standard Tool for Children and Young People was highlighted.
- 4.43 Other types of organisations or people that respondents wanted community bodies to engage with included:
- Statutory consultees, all statutory community bodies, or community planning partners. The local planning authority (as discussed at Question 4).
  - Local community organisations.
  - Third sector organisations.
  - Landowners and managers. Reasons given included that they have an interest in, and make key and long-term business decisions about, how land is used.
  - Home builders. Reasons given included that they may have land interests and may be able to help with delivery.
  - Businesses active in the area. Relevant representative bodies or fora, such as the Federation of Small Businesses or those involved in Business Improvement Districts.
  - Those who visit or work in the area.
  - Development trusts.
- 4.44 Other suggestions included that it would be of assistance if national guidance set out a list of bodies or groups with whom it would be appropriate for community bodies to engage. In terms of other elements that could helpfully be covered in guidance, the following were identified:

- How views are to be sought.
- The timeframe for seeking views.
- How those to be consulted with should be identified.

4.45 On this latter point, it was suggested that home builders with interests in the area might be identified through reference to the Housing Land Audit, through the local authority and through Homes for Scotland.

### **Particular approaches suggested**

4.46 A wide range of comments and suggestions addressed the detail of the engagement which community bodies could or should undertake. There was a call for a multi-channel approach, with creative and imaginative forms of consultation. In terms of specific elements to be covered or activities to be included as part of the engagement, suggestions included:

- Carrying out local publicity, including a notice of intention to prepare a plan. Approaches could include using the local press or the use of social media platforms.
- Establishing a dedicated on-line presence, with options including space on the local authority website, a dedicated website or use of well-known and used social media platforms.
- Carrying out online and face-to-face engagement (COVID-permitting), including carrying out surveys, and holding meetings or consultation events, or running focus groups. Also making presentations to local community groups or running drop-in sessions.
- Providing opportunities to review draft LPPs online and at community venues.

4.47 Reflecting some of the issues raised above around diversity and ensuring everyone has an opportunity to contribute, it was suggested that digital approaches should not be the default nor the only option available to people. It was also noted that any meetings should be open and accessible, and information should be made available in accessible form.

4.48 There was also reference to how any outputs from engagement could be used, with comments including that:

- Thought will need to be given to how public consultation responses are considered within LPPs. LPP authors may not have the technical expertise to identify a preferred option from a complex set of consultation responses.
- LPP authors should be required to prepare a statement on consultation responses received and how they were addressed.

## 5. Steps which must be taken before submitting a completed Local Place Plan

5.1 The consultation paper explains that the Scottish Government is also considering whether some form of consultation on the proposals that have been worked up into the LPP should be included, and the form of any such requirement.

**Question 6:** Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?

Please comment on your answer (particularly if you do not agree).

5.2 Responses at Question 6 are set out in Table 5.1 below.

**Table 5.1**

**Question 6:** Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?

	Yes	No	No view	Total
Individuals	50	8	2	60
<b>% of individuals answering</b>	<b>83%</b>	<b>13%</b>	<b>3%</b>	
Organisations				
Community Council or Trust	28	5	2	35
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	29	0	1	30
Other - Private Sector	7	0	0	7
Public Body	4	0	3	7
Representative Body	10	2	0	12
Third Sector or Voluntary Group	22	2	0	24
Total organisations	116	9	6	131
<b>% of organisations answering</b>	<b>89%</b>	<b>7%</b>	<b>5%</b>	
All respondents	166	17	8	191
<b>% of respondents answering</b>	<b>87%</b>	<b>9%</b>	<b>4%</b>	

5.3 A large majority of those who answered the question - 87% - agreed that there should be a minimum statutory requirement to consult the community once a draft LPP has been prepared, while 9% disagreed and 4% had no view. Those who disagreed were predominantly Individuals and Community Council or Trust respondents.

5.4 Around 135 respondents provided an additional comment at Question 6. Some responses repeated themes raised at Questions 4 and 5, or simply referred to answers at the earlier questions.

## Views of those supporting a statutory requirement

- 5.5 Some respondents considered a requirement to consult the community on the draft LPP as sensible or obvious, or highlighted the need to ensure the proposed LPP reflects the views of the wider community, including those who may not generally be heard, and not just of those who prepared it. It was noted that some members of a community may not fully engage with an LPP until proposals have been formulated.
- 5.6 A statutory approach was argued to make clear the responsibility of the community body to ensure the consultation process is robust. However, it was also thought that any requirements to consult on the draft plan should be light touch or should be such that they do not deter community bodies from preparing an LPP.
- 5.7 Distinguishing between engagement as part of the production of an LPP and a subsequent consultation on its content was suggested to be important, with the latter consultation providing an opportunity for discussion on how issues highlighted during initial engagement have been taken forward. It was thought this will be particularly important if the LPP is not prepared as part of an overarching Locality Plan.
- 5.8 However, the potential for disagreement within communities was also referenced, and it was noted that there may be strong feelings on different sides of an issue even within the smallest community. It was acknowledged that the consultation process may risk a focus on negatives rather than positives in the LPP and that those who have invested their time in preparing the plan may be resistant to negative comments. It was argued there must be rights to formally object to an LPP and to appeal against adoption of a plan.
- 5.9 In this context it was suggested that a more rounded approach to collaborative community working, rather than consultation *per se*, that would ensure that sections of the community are 'engaged' in the process and not just consulted.
- 5.10 The potential for consultation on the draft to increase robustness of LPPs was also highlighted. It was argued that this can give the planning authority confidence that the plan accurately reflects community aspirations and can aid scrutiny of the LPP at Examination. Without such demonstration of support from the community, it was suggested the potential for the planning authority to face future challenge may be increased.
- 5.11 Similar statutory requirements were noted to be in place in other areas and to work well in providing a further opportunity to ensure that plans accurately reflect local issues and priorities. It was suggested that consulting on the draft LPP would be in line with the practice of consulting on draft LDPs and with new requirements for applicants for planning permission.
- 5.12 Specific suggestions with respect to the requirement placed on community bodies included:
- Rather than specifying minimum requirements for consultation and engagement, there should be a statutory requirement on the community body to consult the community once a draft LPP has been prepared, to set out what

steps were undertaken to engage with the local community, the results of the consultation, and how this has informed the LPP.

- Flexibility must be permitted in the method of consultation, with the most appropriate methods chosen to reach the local community, and recorded to provide evidence of the breadth and depth of consultation. How to consult should be in guidance not regulation.
- The minimum statutory requirement outlined in the consultation document should be strengthened, with consultation early in the development of LPPs to inform their drafting, involving a wider range of stakeholder views than is currently proposed, including statutory consultees if relevant.

5.13 It was argued that options to make changes to the LPP need to be clearly communicated early on in the consultation and development process, and that it will be important that the community body is able to manage expectations.

5.14 With respect to the level of response or support that might be achieved, it was suggested that there should not be a requirement to demonstrate a certain level of support for an LPP, as this would assume a level of democratic involvement which may not be deliverable. A small response to an appropriate consultation should not undermine the LPP.

5.15 Respondents also commented on action in response to feedback received on the draft plan, including a suggestion that there should be guidelines to ensure appropriate changes are made as a result of the consultation. It was suggested that analysis of representations received and how they have been considered should be included in additional documentation submitted with final LPP or that, if there is no required process for modification of the plan, then the output of the consultation must be made available to the planning authority alongside the final LPP.

5.16 Community consultation on whether an LPP should remain on the register at the start of a new LDP cycle was also suggested.

### **Caveats**

5.17 While agreeing that there should be a minimum statutory requirement, some respondents qualified their approval or noted issues that might arise as a result including:

- A risk of 'consultation fatigue'.
- That limited time may be available to community bodies for consultation on the draft LPP and that a period for consultation and revision should be built into the timeline for LPP production.
- That community bodies will require resources, with suggestions that consultation on the draft LPP should be required only as long as it is within the resources of a community body or that costs should be covered by the local authority. An alternative proposal was that the local authority should provide resources to publicise a draft LPP and collate the responses, with the community body helping to engage the community in the process and taking the responses into account.

## Views of those not supporting a statutory requirement

- 5.18 Some points made by respondents who did not think there should be a minimum statutory requirement to consult on the draft LPP reflected issues raised by respondents who had agreed.
- 5.19 It was argued that:
- There should be a requirement to consult throughout the LPP process – both during preparation of the LPP *and* on the draft. Communities of interest as well as of place should be engaged with.
  - If legislation were to require the community body to agree an engagement plan with the planning authority prior to commencing an LPP, there would be no need to consult the community again once a draft LPP has been prepared.
  - A community body should consult on the draft LPP, but it should not be a minimum statutory requirement. It was suggested such a requirement would not be appropriate for a volunteer body and that it would be preferable to set out best practice for engagement with the community in guidelines. The importance of a light touch approach was emphasised.
  - Community councillors are elected to represent the community and community councils should be trusted to so.
- 5.20 It was also reported that community councils and some trusts already have a legal obligation to consult and may choose to do so at this stage. If it is decided to regulate, it was suggested that this existing obligation on community councils could be extended to other types of community body producing an LPP.
- 5.21 Resources were again highlighted, with a suggestion that the local authority should fund a consultation on the draft LPP.

**Question 7:** If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?

- 5.22 Around 170 respondents answered Question 7 with some respondents referring back to their answer at Question 5.
- 5.23 General comments on the nature of consultation on the draft LPP included that legislation should not prescribe the form of consultation but should be flexible, setting out principles that the community body should follow. It was also argued that the consultation exercise should be both proportionate to the scale and scope of the proposals, and appropriate to the community in question. A requirement to make 'reasonable efforts' to properly consult with those who live, work and operate across the area in question was suggested.
- 5.24 It was suggested that several existing models for a consultation process could be used as a basis for consultation on the draft LPP including that it might:
- Reflect procedures for consultation on the LDP, including an early Evidence Report and then the draft plan being subject to consultation. It was suggested that problems may be created by the requirement that LDPs conform to pre-

published standards of engagement and evidence but at the same time 'answer for' LPPs that are not subject to the same standards.

- Follow the changes to the pre-application consultation procedure for planning applications. However, some respondents argued that arrangements for pre-application consultation are inflexible and that community bodies should take their own decisions on methods of engagement, while being prepared to explain them.
- Be aligned with processes for Supplementary Guidance prior to the new Planning Act.

- 5.25 It was also suggested a community body might take advice from the planning authority on the method for their consultation. A Local Authority respondent observed that they would support a requirement for the community body to share a consultation strategy for the LPP with the council in advance of the consultation launch. It was thought this could result in a more collaborative process, which would allow the council and community to work together to identify the important groups to involve.
- 5.26 The need for resources to carry out effective or accessible consultation was again highlighted. A third sector or voluntary group respondent suggested most community organisations do not have resources for the depth of community engagement that they might like to do, and that many working on the ground know who they need to talk to but do not have the opportunity to do so.

### **Who to consult**

- 5.27 It was suggested there should be guidance for community bodies in terms of how to engage and the National Standards for Community Engagement were referenced by several respondents. There were suggestions both that these should be a mandatory requirement and a minimum requirement, with co-production also encouraged in the latter case. However, it was also reported that use of these standards would require planning authorities to offer community bodies training sessions on the methodologies used. The Community Action Place Model for engagement was also suggested.
- 5.28 The importance of ensuring all sections of the community can participate in a consultation was highlighted and that this should include those who are seldom heard in the planning system, and those with protected characteristics under the Equality Act 2010. The draft 'How to' Guide was thought to give useful guidance on engaging within the community but to lack an emphasis on inclusion, specifically the need for community bodies to think about hard-to-reach groups and how they can remove barriers for engaging with them.
- 5.29 There were specific references to involving: people of all age groups; children and young people from diverse backgrounds including disabled children, and children with complex needs and their families. Consultation with individuals experiencing the highest level of socio-economic disadvantage was also recommended.
- 5.30 Following an initial response on the draft LPP, it was suggested there should be a particular effort to consult with any groups not well represented.

5.31 In terms of particular organisations or types of people that should be included in a consultation exercise, suggestions included:

- Community planning partners, including the local councillors, the council and the community council, if the body producing the LPP is not a community council and one exists.
- Those who engaged at an earlier stage in preparation of the LPP.
- Stakeholders such as developers, third sector groups and businesses.
- Local schools.
- Registered Social Landlords, Tenants and Residents Associations.
- Landowners, land managers or tenants of land affected by the proposals.
- Public agencies such as Historic Environment Scotland where changes to designated environmental assets are proposed or land/properties within their care are made use of.

5.32 It was argued both that there should be a general duty to consult different groups rather than the regulations prescriptively listing all the agencies and the types of groups that need to be consulted, and that organisations to be consulted might be highlighted in guidance.

#### **How / where to make the draft Local Place Plan available**

5.33 Some respondents expressed a general view that the draft LPP and any events associated with it should be publicised. It was also specified that accessible copies should be available on request, that one or more locations where the consultation can be downloaded should be accessible, and that at least one consultation method used should not be digital.

5.34 Some respondents suggested notifying or sending a copy of the LPP to those who had engaged at an earlier stage in the process and who had indicated they would like to receive the LPP. Others thought all residents / households should be informed.

5.35 Suggested methods for consultation included:

- Advertisement in local media. Preparing a standard style of advert to assist community bodies was suggested, with care taken around minimum requirements for advertising so as not to make the process overburdensome for community bodies.
- Sending a copy of the LPP either electronically or by mail. Whether the electoral register might be used for this purpose was queried.
- Making the draft LPP available online, via a website or social media platforms.
- Making copies of the LPP available in libraries and community centres.

- Holding public meetings / events. A minimum of one or two public meetings was suggested – the latter being in line with the requirement for major planning applications, where one event can be held online but one must be physical. Providing at least 10 days-notice of the meeting was proposed.

### **Minimum length of consultation period**

- 5.36 In terms of the length of any consultation period, suggestions ranged from a minimum of seven days through to six months. Several respondents suggested a minimum of six weeks.
- 5.37 A period similar to consultation on LDPs was also suggested, with specific recommendations for LPPs that are not part of Locality Plans.

### **Delivering feedback**

- 5.38 With respect to how those interested might respond, it was suggested a survey format might be used – for example through a questionnaire.
- 5.39 Other comments included that:
- Written responses should be accepted by post or online.
  - Feedback should not be limited to those attending a meeting, whether in person or online.

### **Minimum level of support needed**

- 5.40 Options for demonstrating that an LPP is supported by the community were noted to include support shown at public sessions, and mini citizens assemblies.
- 5.41 It was suggested consideration should be given to holding a vote on the proposed LPP to demonstrate that a majority of the local stakeholders are in support of the proposals before it is submitted to the council, and that this should include other parties including businesses and landowners. However, there was also a view that while referendums have benefits they also have significant resource implications, and do not necessarily lead to democratic outcomes if they do not reflect a representative cross-section of the community.
- 5.42 With respect to whether a particular level of support should be required, suggestions included a 5% minimum positive response, evidence of 10% support from the local population (reported to be common practice in the Community Right to Buy process) and that there should be majority agreement on the LPP.

### **Reporting on the consultation**

- 5.43 In terms of a report on the consultation it was suggested those preparing LPPs should be required to prepare and submit a consultation summary report – providing transparency about what efforts were undertaken and the difference consultation has made.
- 5.44 A current planning requirement for planning authorities preparing statutory guidance is to send Scottish Ministers details of publicity measures undertaken, comments received, and an explanation of how these comments were taken into account was

also noted. With some minor modifications, it was suggested that the relevant regulation (Regulation 27(1) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008) might be adapted to apply to LPPs.

## 6. Taking the views of councillors into account

6.1 The consultation paper suggests that there may be value in a community body specifically seeking the views of the ward councillors for the area of the LPP.

**Question 8:** Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?

Please comment on your answer - particularly if you do not agree or have a view as to how ward councillors' views should be taken into account or reported.

6.2 Responses at Question 8 by respondent type are set out in Table 6.1 below.

**Table 6.1**

**Question 8:** Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?

	Yes	No	No view	Total
Individuals	44	10	7	61
<b>% of individuals answering</b>	<b>72%</b>	<b>16%</b>	<b>11%</b>	
Organisations				
Community Council or Trust	29	7	0	36
Developer	3	12	1	16
Local Authority, Community Planning Partnership or Transport Partnership	29	0	0	29
Other - Private Sector	6	2	0	8
Public Body	1	0	5	6
Representative Body	6	4	0	10
Third Sector or Voluntary Group	17	3	2	22
Total organisations	91	28	8	127
<b>% of organisations answering</b>	<b>72%</b>	<b>22%</b>	<b>6%</b>	
All respondents	135	38	15	188
<b>% of respondents answering</b>	<b>72%</b>	<b>20%</b>	<b>8%</b>	

6.3 A majority of respondents – 72% of those answering the question – agreed with the proposal that the community body should seek the views of ward councillors when preparing the LPP. Of the remaining respondents, 20% disagreed and 8% had no view. Those disagreeing included the majority of Developer respondents and a number of Community Councils or Trusts and Representative Bodies.

6.4 Around 150 respondents provided an additional comment.

### Views of those agreeing

6.5 Reasons given for agreeing that the views of ward councillors should be sought included that, as representatives of their wider local community, they:

- Are very often aware of what is happening across a community, and will have significant knowledge about local issues, insight into what the local community wants, and also be aware of possible opportunities.

- Will be aware of local groups that should be made aware of the LPP and if possible, involved in its development.
- Can help make sure the wider community is informed about the LPP development.
- Will be familiar with the LOIP, LDP and NPF and can therefore identify where an LPP could be better aligned with these or help justify a departure.
- Will have knowledge and experience of existing local planning processes.
- May be able to identify local contacts who could help with delivery aspects.

- 6.6 It was also reported that, in any case, some community bodies already have local elected members as part of their membership or liaise with ward councillors.
- 6.7 One view was that ward councillors should be integral to the whole LPP process, including because they are elected to represent local people. However, it was noted that councillors may represent a significantly larger area than would be covered by an LPP, so can reasonably have views differing from those of one part of their ward. It was also noted that councillors are representatives, not delegates and hence are not obliged to present the views of the community.
- 6.8 Also with regard to the relationship between the LPP and the ward councillors' body of constituents, it was noted that they are not elected by children and young people under the age of 16, and there was a connected suggestion that other forms of local democracy, which are open to people under the age of 16, should also be prioritised. However, it was also suggested that involving ward councillors could be a good opportunity to link children and young people with local elected officials and provide opportunities for their views to be heard.
- 6.9 Drawing on another context, it was suggested that it would be sensible to have requirements that are consistent with provisions in the Community Empowerment (Scotland) Act 2015, for example, those relating to Community Asset Transfer.
- 6.10 Similarly, it was noted that ward councillors being involved in the LPP would reflect the process followed in the preparation of the LDP. As at Question 5 in reference to wider community engagement, the connection was made to LPPs being adopted into LDPs. It was noted that elected representatives will be responsible for the scrutiny of the LDP and other aspects of the planning process. Given this, it was suggested that it would seem strange not to involve them in a key part of the democratic process which governs the use and development of land. It was also suggested that they could lead and direct on certain aspects, including based on their experience on a Planning Committee or Local Review Body.
- 6.11 Others considered that while councillors should be involved, it will be important to emphasise that it is the community body that is leading and owning the process. A connected suggestion was that any provisions regarding elected member engagement should be light touch and the regulations do not need to be prescriptive as to how ward councillors should be engaged. One view was that this should be a matter for community bodies to explore when establishing their engagement and consultation strategy at the early stages of the LPP process.

Reflecting a point also raised by some of those disagreeing at this question, it was suggested that arrangements do not necessarily need to be set out in regulation.

- 6.12 It was suggested that the ward councillors' views could be sought but not prioritised or given any weighting or that they could simply take part (if applicable) as a local resident, with their views carrying no greater weight than those of anyone else.
- 6.13 In terms of when or how ward councillors should be involved, suggestions included that:
- As a minimum, they should be notified formally of the intention to prepare an LPP.
  - If there is a stated responsibility on the community body to engage with councillors, then there must be a reciprocal responsibility on the councillors to engage with the process.
  - They could be invited to participate and input to the process of LPP preparation during the public engagement periods before and after drafting the LPP. It was suggested that this would achieve the balance of offering ward councillors the opportunity to input their experience of representing people in the area without creating a prescriptive approach which could constrain community bodies.
  - There would be an option for councillors to express a view on any LPP through the committee system. This would allow for consideration of any Council-wide implications and advice from the planning authority. Council Planning Committee's, along with local ward councillors, could be asked to comment on the draft LPP. However, there should be no duty on the community body to take on board any views expressed.
- 6.14 Other comments included that clear guidance on the role of councillors should be provided to communities and that:
- In expressing views on LPPs as they are prepared, ward councillors would need to have regard to the Councillors' Code of Conduct and other duties relating to statutory functions, such as their planning roles, and not be placed in a position which might be interpreted as prejudging a planning outcome. It was seen as important to highlight whether ward councillors are members of the Planning Committee to ensure any conflict or declarations of interest are considered.
  - Community bodies should set out their approach to engaging ward councillors as part of the engagement report / description of the consultation process (as discussed at previous questions). Further comments included that councillors should be given an opportunity to express their views on the LPP and the aspects they agree with or oppose. These views should be recorded and publicly available. There was also reference to taking an approach similar to the pre-application consultation requirements in planning; identifying views made and clarifying whether the LPP takes these views on board or not (giving reasons why).

- 6.15 In addition to commenting on the role of ward councillors, and as at Question 5, a number of primarily Local Authority respondents commented that community bodies should also be expected to make contact with the planning authority. It was suggested that a statutory requirement for community bodies to engage with local authorities in developing their LPP would not only support collaboration but would also avoid any duplication.
- 6.16 It was also suggested that there could be a requirement to contact relevant MPs and MSPs as one of many parties with an interest in an LPP.

### **Views of those disagreeing**

- 6.17 A common perspective amongst those disagreeing was that seeking the views of ward councillors should probably be a matter for guidance or good practice rather than a requirement.
- 6.18 Other issues raised sometimes reflected comments of those who had agreed, including that councillors already have significant input into the planning process, but also having their views sought for the preparation of an LPP would effectively result in 'doubling up'. Ward councillors' powers in relation to development planning and decision-making, were noted, including:
- Having a role in setting the LDP strategy and vision.
  - Possibly having to make a decision on whether to incorporate an LPP into an LDP. In this respect, it was suggested that any role in that decision should not be compromised by engaging in the LPP process.
- 6.19 It was seen as important for the LPP process to be apolitical and for an LPP to represent the views of the community, accepting these may differ from that of the ward councillor. There were concerns that, if community bodies were required to seek councillors' views, the impact could be to:
- Undermine the objective of giving communities a more independent or alternative means of expressing their ambitions.
  - Introduce conscious and unconscious bias towards travelling communities, with the added complication of having to respond to the bias of other members of the local population's bias.
- 6.20 In addition to the overall suggestion that a guidance led approach could be more appropriate, one perspective was that ward councillors should be involved and buy into the LPP process on an advisory basis. Other alternative options proposed included that:
- The views of the ward councillor should be taken into account to the same level of emphasis as all local residents. If there is a particular benefit of distinguishing ward councillors' views from others, a statement could be made on their views separately to those of others, but this should not be given additional weight.
  - Their views could be sought, but only after LPP has been drafted.

- If ward councillors' views have to be taken into account, it would be beneficial for them to undergo specific training, with appropriate checks, balances and tools available, to mitigate any conscious or unconscious biases.
- The planning authority could provide a 'for-information' notice, to be included on the LPP register, expressing its view on whether the LPP proposals accord with the LDP. It was reported that this would mirror the new requirement for them to include such statements in planning decision notices and that such a requirement would add some clarity on how the LPP might be considered in decision-making.

## 7. Information to submit alongside a Local Place Plan

7.1 With regard to additional information that should be submitted alongside an LPP, the consultation paper suggested a minimum requirement could be that the community body provides evidence that it has complied with the statutory requirements for preparing the plan. This would assist the planning authority in registering the LPP as being 'valid'. Requirements could be:

- How the community body has had regard to the NPF, LDP and, if one is in place, the relevant Locality Plan.
- Set out the reasons for considering that the LDP should be amended.
- In preparing the LPP, it has sought the views of local ward councillors for the area.
- Evidence that it has complied with any prescribed requirements as to the form and content of the LPP.
- Evidence that the community body has complied with any legal requirement to consult the community after preparing the LPP.

**Question 9:** Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

Please comment on your answer (particularly if you do not agree).

7.2 Responses at Question 9 by respondent type are set out in Table 7.1 below.

**Table 7.1**

**Question 9:** Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

	Yes	No	No view	Total
Individuals	42	13	6	61
<b>% of individuals answering</b>	<b>69%</b>	<b>21%</b>	<b>10%</b>	
Organisations				
Community Council or Trust	20	9	6	35
Developer	16	0	0	16
Local Authority, Community Planning Partnership or Transport Partnership	29	2	0	31
Other - Private Sector	8	0	0	8
Public Body	4	0	2	6
Representative Body	8	2	1	11
Third Sector or Voluntary Group	19	2	2	23
Total organisations	104	15	11	130
<b>% of organisations answering</b>	<b>80%</b>	<b>12%</b>	<b>9%</b>	
All respondents	146	28	17	191
<b>% of respondents answering</b>	<b>76%</b>	<b>15%</b>	<b>9%</b>	

- 7.3 A majority of those who answered the question - 76% - agreed that the community body should submit a statement on how it has complied with the legal requirements, while 15% disagreed and 9% had no view. Those who disagreed were predominantly Individual and Community Council or Trust respondents.
- 7.4 Around 135 respondents provided an additional comment at Question 9.

### **Views of those who agreed**

- 7.5 Some respondents who agreed saw a statement on how the community body has complied with legal requirements as useful, essential, or as important to ensure transparency, credibility and trust in the process. The statement was also thought to strengthen and validate the LPP and to help to provide consistency. In the absence of an appropriate evidence base for an LPP, it was suggested sections of a related LDP could be the subject of objections that would have to be considered at Examination.
- 7.6 Some Local Authority respondents offered a list of specific elements they thought should be included in a statement on how the community body has complied with legal requirements.
- 7.7 Respondents also argued the requirement should be light touch, as straightforward as possible, or should not be too onerous or complex and should not create a disincentive to a community engaging in local place planning. The need for simplicity was cited – with some seeing the statement as a simple check list, log, or proforma. It was suggested such an approach would also aid local authorities to say objectively that an LPP has complied with legal requirements and, as a tool to aid compliance, could avoid the potential for legal challenge later on.
- 7.8 Other respondents pointed to the need to provide communities with resources to complete the statement or a requirement for suitably qualified support, potentially from the local authority.
- 7.9 Producing a statement was argued to be helpful for the community body to identify potential compliance issues, with a suggestion that a checklist / proforma could be used as a tool to identify and meet requirements during the development of the LPP, rather than as a task to be completed at the end.
- 7.10 Some Local Authority respondents thought the registration of a valid LPP should be seen as the end point of a collaborative process between the community body and the planning authority. For example, rather than simply submitting a statement at the end of the process, it was suggested a framework could be put in place to support community organisations, beginning with an inception meeting at which a set of milestones for production of the LPP might be agreed.
- 7.11 Other points were raised in relation to the timeframes for submission of LPPs. It was suggested that, to have most chance of inclusion in the LDP, LPPs will need to be front loaded in the LDP process and that the implications of the timing their LPPs should be made clear to communities. Setting out timescales for submission of LPPs in the formal invitation to prepare an LPP issued by the planning authority was proposed.

- 7.12 The need for clarification on responsibility for ensuring compliance was also suggested. It was argued that regulations and guidance need to be very clear on how a planning authority will assess the validity of an LPP since decisions to give regard to some elements of LPPs but not to others will have to be defended. The validation process for LPPs was considered likely to place additional demands on planning and community planning teams, and both additional training needs and upskilling were suggested to be necessary in addition to revenue funding.
- 7.13 The importance of guidance was highlighted, with suggestions or expectations that:
- Guidance should clearly set out what a statement should contain, including proforma statements where possible.
  - The importance of legal requirements will be explicitly highlighted and discussed in any accompanying 'How to' Guide.
  - Guidance should recommend appointing a chronicler for the duration of the LPP process with a duty to become sufficiently familiar with the framework to ensure compliance.
  - Advice around impact assessment should be provided since some legal duties may apply.
- 7.14 Some respondents commented specifically on the additional material set out in paragraph 80 of the consultation paper, with comments including suggestions that the statement should incorporate:
- Information on participation – for example how a community body has engaged with the wider community, including how they have promoted and facilitated participation by different interest groups, who has been engaged, and how the comments of those who participated have been taken into account.
  - Information on delivery proposals for the LPP including timescales, and consideration given to involving other partners / organisations and potential funding sources.
- 7.15 However, an alternative view was that inclusion of additional material set out in paragraph 80 would place an additional burden on planning authorities in assessing LPPs.
- 7.16 Other proposals included:
- A pre-registration step in the LPP preparation process involving independent review of whether the LPP complies with the legal requirements, including the requirement to have regard to the LDP (and other specified matters).
  - Inclusion of a light touch environmental assessment or reference to climate change / environment factors, given the significance of the climate change agenda.
  - Inclusion of where advice from relevant stakeholders, including public agencies, has been taken into account in the preparation of an LPP.

- 7.17 It was also argued, as at other questions, that all relevant information should form part of the LPP submission rather than as additional documents.
- 7.18 Specific comments with respect to the wording of the consultation paper included that the requirement to set out 'reasons for considering the LPP should be amended' referenced at paragraph 79 may be misleading to communities and should be clarified. It was noted that, although planning authorities must take LPPs into account when amending their plans, there is no power in the 2019 Act for LPPs to amend the LPP.

### **Views of those who did not agree**

- 7.19 Among respondents who did not agree that there should be a statement, reasons given included views that:
- There should be no legal requirements.
  - This is too onerous a requirement or places another burden on community bodies that are run by volunteers. Community bodies will generally not have the expertise to confirm compliance with legal requirements.
  - If a compliance statement is linked to validity of a LPP, then there is risk that a community body may come into conflict with a planning authority.
  - Any inaccuracy or incompleteness could be a target for lawyers seeking to have an LPP set aside.
  - The local authority not the community body should decide whether the LPP meets legal requirements.
  - All relevant information should form part of the LPP, rather than being submitted separately.
- 7.20 Additionally, several respondents who did not answer the closed question or had no view, noted that their approval or otherwise would depend what the requirements were.
- 7.21 Respondents who thought there should be no statutory requirement argued that, while a community body should satisfy itself that it has met requirements laid down in law, they should not be expected to provide a quasi-legal statement on compliance. It was suggested that although it would be reasonable to encourage a community body to include materials to illustrate it has complied with legal requirements in order to strengthen the case being made in the LPP, it should not be mandatory to do so.
- 7.22 It was also argued that, if they exist at all, any legal requirements must be simple enough that the community body can comply without needing legal advice and that a template should be provided.
- 7.23 Again reflecting views of some respondents who had agreed there should be a statement on legal requirements, some respondents who did not agree also favoured the idea of a more collaborative approach between community bodies and local authorities, and development of a validation framework.

- 7.24 Other suggestions included that rather than a separate statement, the community body should be asked to state how it has complied with the legal requirements within the LPP, particularly where it diverges from approved/ adopted community planning partnership plans, the LDP, or a current planning permission.
- 7.25 Specific comments with respect to the wording of the consultation paper included that:
- Paragraph 79 implies that the community body must have a full understanding of the NPF, LDP and Locality Plan when the community may disagree with any of these.
  - More detail is needed with respect to the requirement to 'set out the reasons for considering that the local development plan should be amended'. This should include what type of reasons will be considered acceptable, and how the planning authority should act if they disagree with reasons given in the LPP.

## 8. Register and map of Local Place Plans

### The manner a register must be kept and made available

8.1 The consultation paper notes that planning authorities have experience of maintaining a planning register for development management purposes. The Development Management Regulations require that the register for a planning authority's district is to be kept at the office of the planning authority. Where the register is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

**Question 10:** Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers? Please comment on your answer (particularly if you do not agree)

8.2 Responses at Question 10 by respondent type are set out in Table 8.1 below.

**Table 8.1**

**Question 10:** Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?

	Yes	No	No view	Total
Individuals	41	1	18	60
<b>% of individuals answering</b>	<b>68%</b>	<b>2%</b>	<b>30%</b>	
Organisations				
Community Council or Trust	27	2	7	36
Developer	3	12	1	16
Local Authority, Community Planning Partnership or Transport Partnership	29	1	1	31
Other - Private Sector	6	2	0	8
Public Body	3	0	3	6
Representative Body	7	1	1	9
Third Sector or Voluntary Group	18	1	2	21
Total organisations	93	19	15	127
<b>% of organisations answering</b>	<b>73%</b>	<b>15%</b>	<b>12%</b>	
All respondents	134	20	33	187
<b>% of respondents answering</b>	<b>72%</b>	<b>11%</b>	<b>18%</b>	

8.3 A majority of those who answered the question – 72% - agreed that requirements for the register of LPPs should be aligned with existing arrangements for registers, while 11% disagreed and 18% had no view. Developers were the only group in which a majority of respondents disagreed.

8.4 Around 100 respondents made an additional comment at Question 10. Please note that issues relating primarily to maps of LPPs are considered at Question 14.

## **Views of those who agreed**

- 8.5 Respondents who agreed suggested that alignment with existing requirements would be sensible, reasonable or simple. They also pointed to the importance of accessibility, transparency and accountability or noted that councils already hold other planning registers. Respondents specified that the LPP register should be held online, in electronic form or should be hosted on the local authority website. It was argued there should be no requirement to keep hard copies at Council offices.
- 8.6 It was suggested the proposed arrangement would reinforce the function of LPPs as a formal part of the planning process, and that LPPs could be available on the planning authority website alongside the LDP and other planning documents, linked to NPF4. However, it was also emphasised that ownership of the LPP should be clearly with the community, not the Council, and that any contact details given should be to community representatives. Whether the planning authority should seek permission from the community body (as owner of the intellectual property) before including an LPP on the register was also queried.
- 8.7 An alternative view was that it would be preferable to link spatial, community planning and community led planning together more holistically, in which context linking the LPP to the LDP was seen as inappropriate and potentially misleading to those involved in preparing the LPP.
- 8.8 The Scottish Government's commitment to develop a central online register of digital LPPs was welcomed and this was seen as a useful resource for a range of organisations, including community bodies. It was also suggested it could be used to show areas where uptake of community place planning is low, and where funding may be required to unlock community involvement.
- 8.9 Other suggestions included that:
- If local authorities are obliged to consult Scottish Showpeople as a distinct group, the LPP should cross-refer with other place plans and therefore should be kept on the same register.
  - The register should be available in public libraries.
  - It should be reviewed and updated at 6-month intervals.

## **Views of those who disagreed**

- 8.10 Many of the respondents who disagreed with alignment with existing requirements were also looking for LPPs to be available online, arguing for a simple online register. They also supported proposals for a central digital register, including to allow communities to learn from other examples. It was suggested existing registers may not be suitable or may need to be made more accessible.

## **Other issues raised**

- 8.11 Some respondents commented on issues relating to the registration, submission and status of LPPs rather than solely where the register should be held. Points included that:

- A centralised register of community bodies in their area would assist planning authorities in issuing invitations to prepare LPPs and to ensure that they are prepared only by community-controlled bodies.
- LPPs may fall into more than one local authority area, and the question of where plans are registered in this instance does not seem to be addressed.
- Community groups will require guidance on what is needed for an LPP to be registered, and a procedure will be required for situations where an LPP does not fulfil the statutory requirements.
- A validation framework to support the evaluation of LPPs would promote consistency and understanding of what information is required.
- The submission of LPPs should be in a prescribed digital format / size that allows the local authority to map it and easily hold it on a website in digital form.
- Clarity that LPPs are ‘registered’ rather than ‘approved’ or ‘adopted’ would be useful.
- Guidance is required on the material weight to be placed on an LPP. It was also argued that, unless the agreed community position is given weight as a material consideration, then LPPs will have no value.

**Question 11:** Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

Please comment on your answer (particularly if you do not agree)

- 8.12 The consultation paper suggests that, to provide a more complete picture of the development of the LPP, the plan could be supplemented by additional information submitted by the community body. Question 11 asks if all additional information should be placed on the register.
- 8.13 Responses at Question 11 by respondent type are set out in Table 8.2 below.
- 8.14 A large majority of respondents who answered the question – 80% - agreed that additional information provided alongside the LPP should be kept on the register, while 8% disagreed and 11% had no view.

**Table 8.2**

**Question 11:** Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

	Yes	No	No view	Total
Individuals	53	1	6	60
<b>% of individuals answering</b>	<b>88%</b>	<b>2%</b>	<b>10%</b>	
Organisations				
Community Council or Trust	27	3	6	36
Developer	13	2	1	16
Local Authority, Community Planning Partnership or Transport Partnership	22	4	0	26
Other - Private Sector	8	0	0	8
Public Body	2	0	4	6
Representative Body	8	1	1	10
Third Sector or Voluntary Group	14	4	3	21
Total organisations	94	14	15	123
<b>% of organisations answering</b>	<b>76%</b>	<b>11%</b>	<b>12%</b>	
All respondents	147	15	21	183
<b>% of respondents answering</b>	<b>80%</b>	<b>8%</b>	<b>11%</b>	

8.15 Around 100 respondents provided an additional comment at Question 11.

### Views of those who agreed

8.16 Transparency was the issue raised most frequently by respondents who agreed that additional information should be kept on the register. It was suggested that the register should be a comprehensive, central repository available in an accessible format. Providing access to the LPP evidence base was thought important to allow interested parties to understand the context or broader picture that may have informed the LPP. The need to make a clear distinction between the LPP and supporting information was also suggested.

8.17 Other reasons for including additional information on the register included that:

- The format of LPPs should not be prescribed, so LPPs are likely to take a range of forms – including a main document supported by other documents.
- It will be important to record the community's view especially if this is contrary to the LDP or if the LPP is not incorporated into the LDP.
- It will avoid Freedom of Information requests to get background information.
- There should be an opportunity to challenge whether additional information is accurate and complete.

8.18 Some respondents added caveats to their approval, primarily that only the additional information required by law should be included. The need for a simple, consistent format was suggested, and that contact details for the community body could be provided for anyone wanting further information.

8.19 Other suggested limits included that information put on the register should:

- Only be included after the community body has been asked and is willing that it should be included.
- Be within limits set out in guidance.
- Be reviewed and scaled back if appropriate.
- Be compliant with GDPR requirements.
- Not include commercially confidential material or that confidential information should be redacted.

8.20 Some respondents expressed a view that all information should be part of the LPP rather than separate from it. In this case, including additional information as appendices was suggested.

### **View of those who disagreed**

8.21 Reasons given for thinking additional information should not be placed on the register included both that it should be possible to read and understand an LPP on its own terms and that it is important to keep the system simple. Concerns were also raised that additional material might be regarded as a material consideration and that any expectation that additional information will be produced might add to the burden on community bodies.

8.22 Echoing the views of some respondents noted above, it was suggested only the minimum information required by law should be included or that additional information should be added at the discretion of the planning authority. Rather than placing additional information on the register it was argued that a list of other documents could be provided as best practice.

8.23 There were mixed views on whether or where additional information might be held including that:

- The council might wish to have sight of additional information as part of any validation process but should not hold or maintain records of such information.
- Additional information should be retained, but possibly not on the register. It could be hosted by the community body.

### **Other issues raised**

8.24 Respondents who had agreed and disagreed at the closed question, raised points with respect to the advantages and disadvantages of including additional information on the register. A concern that additional information could be a source of contention where developers are at odds with the LPP was suggested, or that this information could be used by developers trying to get an LPP set aside.

**Question 12:** Please provide your views on the level and content of information to be placed on the register.

- 8.25 Around 135 respondents answered Question 12.
- 8.26 Comments tended to reflect the respondent's position at Question 11 with general observations including that any or all available information should be placed on the register. Transparency was again cited as important, along with accessibility. The need for flexibility was also suggested and that content could be very variable, depending on the community body and the extent of the LPP.
- 8.27 The view that all information should be part of the LPP rather than being submitted separately was reiterated.
- 8.28 Elements that respondents suggested might be included on the register included:
- The LPP.
  - The name of the community body that produced the plan and their contact details. A charity registration and the body's constitution were also suggested.
  - Dates associated with preparation, registration or validation of the LPP.
  - A map of the LPP area / boundaries.
  - A statement of conformity with legal provision.
  - A statement from the local authority on whether the LPP is considered to be in accord with the existing LDP.
  - A record of community engagement/consultation activities.
  - A summary of the project proposals.
  - Information gathered to inform the LPP or submitted with the LPP.
  - Links to further information on documents submitted.
  - Budgets or financial plans.
  - A checklist of documents.
- 8.29 While some respondents simply suggested the register should include the LPP, there were apparently differing views on the status of the plan on the register. While some respondents referenced draft plans or suggested that communities should be free to update or develop their LPPs, it was also suggested that only validated or adopted LPPs should be formally recorded on the register. If the latter, it was suggested the planning authority might choose to publicise LPPs that are at an earlier stage in the process separately on its website.
- 8.30 Other points on the content of information included that:
- It should not contain proposals which were not included in the consultation process for the LPP.

- It should be subject to GDPR redactions.

8.31 Respondents who did not think additional information should be included typically argued for a shorter list of contents, at minimum just the LPP plus a formal letter of adoption, a statement of conformity, or a boundary map.

8.32 Other issues raised with relation to content placed on the register included:

- Information on any land or buildings of particular significance to the local area should be included on the register of LPPs, to help ensure that any important community assets are appropriately recognised.
- It is important that duplication of policy information is avoided and that out-of-date information is removed or archived to assist those bringing forward planning applications and to avoid potential confusing or conflicting information.

### **Removal of the Local Place Plan from the register**

8.33 The consultation paper notes that, over a period of time, the register will contain LPPs that: have been submitted ready for the next LDP cycle; have already been taken into account through the LDP process; or have potentially been taken into account through an amendment of the LDP. It is suggested, therefore, that there may be value in a planning authority being able to remove LPPs after a particular point in the cycle of LDP preparation.

**Question 13:** Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

Please comment on your answer (particularly if you do not agree)

8.34 Responses at Question 13 by respondent type are set out in Table 8.3 below.

8.35 A majority of those who answered the question - 57% - disagreed with the proposal that a planning authority may remove an LPP from the register once it has been taken into account, while 26% agreed and 18% had no view. Local authorities were the only group in which a majority of respondents agreed.

8.36 Around 135 respondents provided an additional comment at Question 13.

**Table 8.3**

**Question 13:** Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

	Yes	No	No view	Total
Individuals	15	36	10	61
<b>% of individuals answering</b>	<b>25%</b>	<b>59%</b>	<b>16%</b>	
Organisations				
Community Council or Trust	4	22	10	36
Developer	1	15	0	16
Local Authority, Community Planning Partnership or Transport Partnership	17	11	0	28
Other - private sector	3	4	1	8
Public Body	0	0	6	6
Representative Body	3	5	1	9
Third Sector or Voluntary Group	4	11	5	20
Total organisations	32	68	23	123
<b>% of organisations answering</b>	<b>26%</b>	<b>55%</b>	<b>19%</b>	
All respondents	47	104	33	184
<b>% of respondents answering</b>	<b>26%</b>	<b>57%</b>	<b>18%</b>	

### Views of those who disagreed

- 8.37 It should be noted that, while some respondents were clear that neither the planning authority nor the community body should remove an LPP from the register, others who answered no at the closed question expressed a view that the planning authority should remove an LPP from the register if asked to do so by the community body that prepared it.
- 8.38 Several respondents commented on the phrase 'taken into account' and clarification of what this means was requested. It was suggested that the term is subjective, does not mean an LPP has been delivered, or is insufficient for grounds for removing an LPP for purposes of transparency.
- 8.39 Previous experience that documentation submitted to LDPs had not been taken into account was cited, and it was suggested that it would be wrong to remove the historical record of documents submitted.
- 8.40 It was also argued that LPPs represent an independent record of the community body's aspirations for their area and that allowing the local authority to deregister them runs counter to the objective of giving communities a role. Allowing LPPs to be removed was suggested to undermine them as an empowerment mechanism for local communities and, unless entirely included within an LDP, it was argued that to do so could inflame community opinion and create conflict between communities and planning authorities.

8.41 An alternative perspective was that an LPP should not be removed as it provides evidence of consultation with local communities and that the views of those consulted have been considered.

### **Removing a Local Place Plan once it has been taken into account in the LDP**

8.42 Some respondents specified that the planning authority should not remove an LPP from the register or that it should only be removed if superseded.

8.43 Reasons it was thought the planning authority should not remove LPPs after taking them into account included that:

- An LPP should exist in its own right as a material consideration.
- LPPs should remain on the register until the LDP that considers them has been superseded, so they sit alongside the LDP. The LPP should be an integral part of the planning process and should be publicly available as a reference document for the life of the LDP.
- An LDP might be modified during Examination in a way which reduces the inclusion of matters from an LPP.
- LDPs may be reviewed and altered during their lifetime.
- Even if information is out-of-date, the existence of a LPP is better than a void for that area.
- Even once an LPP is incorporated into the LDP, an LPP will remain a consideration to be taken into account in the development management processes.
- LPPs contain a level of detail that cannot be reflected in the LDP, and represent valuable material and evidence of local ideas and views, even if out-of-date. The LPP is likely to capture wider needs and priorities than those set out in the LDP which is purely spatial.
- LPPs provide information that helps developers understand the community's aspirations.

8.44 Some respondents argued LPPs should be retained as a record or for reference purposes, with suggestions that this could be on a secondary register or that the status of LPPs should be reflected rather than removing them.

8.45 Alternative processes were also suggested including:

- A review process for LPPs and that communities should be able to update LPPs.
- If an LPP has not been refreshed for a long period (perhaps 10 years) then it would be removed, and that setting out such a process from the beginning could make it less contentious.

- At the start of each LDP cycle (when the planning authority invites local communities to prepare an LPP) community bodies would be required to confirm whether an existing LPP should remain on the register. The planning authority could remove an LPP from the register if no confirmation that it should be retained is given.
- There should be an adjudication process if the community body does not agree an LPP has been taken into account. This could be a right of appeal – for example to the Planning and Environmental Appeals Division - if they disagreed with a decision to remove an LPP from the register.
- It may be appropriate to specify the lifespan of LPPs.

8.46 Respondents also set out criteria to be fulfilled before a planning authority could remove an LPP from the register. These included that it should be only:

- After providing reasons for removal.
- With the consent of the community body.
- After a set period of time.
- With a live record of when documents are removed, by whom, and with an explanation as to why.

### **Removing at request of the community body**

8.47 As noted above, some respondents thought an LPP should be removed from the register if the community body that prepared the LPP requests this. It was suggested that the community body has ownership of the plan and should decide what happens to it.

8.48 However, other respondents thought there should be limits, with points including that:

- A community body should give a good reason for removing the plan from the register. Regulations should set out the circumstances in which it would be reasonable to make such a request and what evidence is required to support it.
- The community should be consulted prior to removal or that the community body should demonstrate a request to remove an LPP from the register is widely agreed by those who prepared it.
- The community body should not be able to request removal of an LPP until a replacement LPP is produced.
- The request and the reason for it should be recorded on the register for the remainder of the plan period.

8.49 Removal of an LPP by the community body was also opposed since:

- The plan belongs to the community, not a single body.

- Confidence of potential delivery partners in the LPP as a reliable basis on which to prepare development proposals for the area could be reduced.

8.50 With respect to the possibility that an LPP could be reviewed and altered, concerns were raised that if community bodies can prepare a LPP at any time, they may do it immediately after the LDP is adopted if they object to any part of its content.

### **Views of those who agreed**

8.51 Among respondents who agreed with the proposals, comments included that these are appropriate, and that an LPP should be removed from the register once taken into account in the LDP or when the community body requests its removal. A flexible approach to reflect local circumstances was also suggested.

8.52 Reflecting a view among some respondents who disagreed at the closed question, some respondents agreed only in so far as removing an LPP on request from a community body or where it has been superseded, rather than as a decision by the planning authority.

### **Removing a Local Place Plan once it has been taken into account in the LDP**

8.53 Again reflecting issues raised by respondents who disagreed at the closed question, respondents queried what is envisaged by taking an LPP 'into account', and whether an LPP might wait many years before being taken into account. The importance of who defines how and whether an LPP has been taken into account in an LDP was highlighted, and it was noted there could be disagreement if options listed in an LPP are not taken forward to the LDP. It was suggested the wording should be changed such that an LPP is removed from the register when the LDP to which it relates has been adopted.

8.54 Also reflecting a suggestion set out above, it was suggested LPPs might cease to be registered in line with each LDP cycle, and could subsequently be reviewed and reregistered for the next cycle. One respondent noted that their agreement to remove an LPP once taken into account was only if LPPs are taken into account during preparation of a single LDP.

8.55 The need for clear guidance on removal of plans was suggested. Concerns with respect to transparency were noted, particularly with regard to how an LPP has been taken into consideration if an LPP is removed. The importance of providing feedback and of maintaining trust between community bodies and the planning system was highlighted.

8.56 Other caveats included that removal of an LPP by the planning authority should be only possible:

- As long as the LPP is sufficiently identified within the LDP or where the entirety of the LPP has been fully taken into account in an adopted LDP.
- After a planning authority has demonstrated how it has taken the LPP into account.
- After a planning authority has written to the community body explaining why the LPP is being removed and the community body has agreed.

- If the community body is satisfied the LPP has been taken into account.

8.57 It was also suggested that areas change and that LPPs may benefit from a review period to ensure that they remain relevant and representative of the communities aims for their place.

### **Removing at request of the community body**

8.58 Points made by respondents who thought an LPP should be removed at the request of the community body included that the community who prepared the document should retain the right to control its display, including the power to have it taken down from public view. The need for clarity on the procedure to be followed should the planning authority not agree with an LPP being removed was highlighted.

8.59 It was also suggested the LPP should be removed if it is no longer reflective of the community views, although this would require introduction of a formal and regular review process for LPPs by local authorities.

8.60 However, care to ensure a request to remove an LPP reflects the view of the wider community was suggested – for example in circumstances where a community body's elected members change.

### **Retaining Local Place Plans removed from the register**

8.61 It was noted that the consultation paper refers to the possibility of planning authorities retaining LPPs should they wish to, and it was suggested this would require clear guidance to assess such scenarios.

8.62 It was acknowledged that there could be good reasons to also keep an LPP available to view as a record of public interest beyond the date it is taken into account by the LDP, and that LPPs will remain valid as an expression of a community body's proposals for the use and development of land.

8.63 It was suggested that, as with planning applications, a record of all LPPs should be kept on the formal register as having been submitted. Suggestions included:

- The LPP should be retained, but potentially labelled or moved into another category, until the LDP or LPP is replaced.
- LPPs could be included with other background documents on the Council page dedicated to the LDP.
- LPPs could be archived in accessible form.
- Removed LPPs might be made available as a resource for other groups for a limited period – for example, three years.

### **Other issues raised**

8.64 Finally, it was proposed that the regulations should also outline set time-windows for the development and subsequent review / updating of LPPs to ensure plans remain relevant and avoid ongoing changes to LPPs once plans have been

formalised and agreed to avoid a “revolving door” system. It should also be specified in regulations that a request for a new LPP to be put on the register for an area necessarily requires other LPPs for that area to be removed from the register. However, as the process to update an LPP is long and needs resource, an old plan may need to be removed so the community’s views are not misrepresented.

## Making the Local Place Plan map available

**Question 14:** Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers? Please comment on your answer (particularly if you do not agree)

8.65 Responses at Question 14 by respondent type are set out in Table 8.4 below.

**Table 8.4**

**Question 14:** Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?

	Yes	No	No view	Total
Individuals	41	2	17	60
<b>% of individuals answering</b>	<b>68%</b>	<b>3%</b>	<b>28%</b>	
Organisations				
Community Council or Trust	26	1	7	34
Developer	2	14	0	16
Local Authority, Community Planning Partnership or Transport Partnership	29	1	0	30
Other - private sector	6	2	0	8
Public Body	1	0	5	6
Representative Body	10	1	1	12
Third Sector or Voluntary Group	18	1	2	21
Total organisations	92	20	15	126
<b>% of organisations answering</b>	<b>73%</b>	<b>16%</b>	<b>12%</b>	
All respondents	133	22	32	187
<b>% of respondents answering</b>	<b>71%</b>	<b>12%</b>	<b>17%</b>	

8.66 A majority of those who answered the question – 71% - agreed that requirements for making the map of LPPs available should be aligned with existing arrangements for registers, while 12% disagreed and 17% had no view. Most of the respondents who disagreed were Developers.

8.67 Around 70 respondents made an additional comment at Question 14. Some respondents noted they were unable to comment having no knowledge of the existing arrangements, while others simply referenced their answers at Question 10.

## **Views of those who agreed**

8.68 Many of the points made at Question 14 reflected issues raised at Question 10 with the proposal to align with existing arrangements suggested as sensible and practical, and the importance of transparency highlighted. The need to make registers available online was again emphasised and it was argued that maps must be searchable.

8.69 It was suggested that:

- There needs to be a clear requirement about scale for boundary maps on an Ordnance Survey base, since otherwise it may not be possible to establish consistently what boundaries are being drawn, especially if there are cases of overlap.
- A simple map should be produced to confirm which LPPs have been prepared so interested parties can see whether or not one has been done or is being done for their area of interest.
- The plan for LPPs should be layered with LDP site allocation maps and an interactive map similar to LDP proposals maps would allow users to scan an area of interest.
- A map-based index could identify when a LPP was registered plus a range of attributes against the polygon representing the plan. The Wind Energy Map prepared by Highland Council was given as an example.
- A storymap with embedded map content could be used with references to relevant plans (although a disadvantage would be that this would require maintaining).
- Emphasis and alignment between LPPs and Locality Plans will be essential with, for example, a dedicated webpage on local authority websites and clear links to information on the 'online central register'.

8.70 Points relating to the mapping system used included that existing mapping tools available on Council websites and related GIS search facilities therein must be used, to avoid need for investment in new / updated technology. Resource requirements for local authorities in terms of data standards, accessibility and GDPR were also referenced.

8.71 However, it was also noted that community bodies may need support to use mapping systems that have been designed for professional users and that clear guidance should be developed for both communities and local / planning authorities.

## **Views of those who disagreed**

8.72 Most respondents who disagreed argued that the primary requirement should be for the map to be readily accessible online, sometimes also reiterating support for a common digital register maintained and funded by the Scottish Government.

## Issues relating to boundaries

- 8.73 It was suggested to be important that LPP boundaries are defined in a similar manner to the legislative requirements under Community Right to Buy and Asset Transfer under Part 5 of the Community Empowerment Act.
- 8.74 Other points in relation to the boundaries of LPP areas included highlighting the potential for plans to overlap. It was suggested that:
- The consultation paper implies a preference (paragraph 85) that LPP boundaries do not overlap but there is nothing to stop this situation from occurring.
  - The same paragraph could imply that a community should 'get in first' when registering their LPP so their boundary takes primacy. This was suggested to privilege communities with the greatest skills and resources.
  - Most LPPs will include a range of sites / projects and a Place Framework area map would help to resolve this, while allowing multiple plans to be facilitated throughout the process.
- 8.75 The need for guidance on overlapping LPPs was highlighted, including how LPPs should deal with any conflicting elements if both plans are valid and registered.

## 9. Impact Assessments

- 9.1 Partial versions of the following assessments were published with the consultation paper:
- A Business and Regulatory Impact Assessment (BRIA);
  - An Equalities Impact Assessment (EQIA) combining a Child Rights and Wellbeing Impact Assessment (CRWIA); and
  - An Island Communities Impact Assessment (ICIA).
- 9.2 Initial assessments screening out requirements to undertake assessments on the Fairer Scotland Duty and Strategic Environmental Assessment were also included. Based on the information identified, the Scottish Government does not consider there is a requirement to undertake full assessments in these cases.

**Question 15:** Please give us any views you have on the content of these partial assessments.

- 9.3 Around 75 respondents answered Question 15. However, several respondents had not seen the partial assessments / did not understand the question or did not feel qualified to comment.
- 9.4 General remarks included that the partial assessments are comprehensive, fair and reasonable and easy to understand. However, they were also suggested to be insufficient.
- 9.5 Some respondents argued that requirements on community bodies must not be too onerous, noting that LPPs will be prepared by volunteers, and that asking for too many impact assessments may discourage involvement. The need to support community bodies to complete LPPs was emphasised. It was also suggested that a one-size-fits-all approach could have a negative impact in communities where there is already a successful local plan in place.
- 9.6 Other general comments included that:
- The number of LPPs anticipated by the consultation paper is lower than that expected by some local authorities and does not reflect the level of interest in local planning matters in communities in some areas, including those where there are established patterns of community land ownership and community engagement.
  - A proforma for any required assessments would be helpful.

### **Business and Regulatory Impact Assessment**

- 9.7 Several comments on the partial BRIA related to the estimated cost of £15,000 to prepare an LPP. It was suggested this is a substantial amount for a community body to meet or that it is likely to be unaffordable for some groups, with a risk that, unless resources are provided, existing inequalities between communities may be exacerbated. Disparities in expertise or experience within

communities were also suggested to have the potential to affect outcomes or widen inequalities.

9.8 With respect to funding for communities to produce an LPP it was argued that:

- Regulations should set out how LPPs are to be funded and that this cost should not fall on the local / planning authority. It was noted that, in England, groups undertaking a neighbourhood plan or neighbourhood development order are eligible to apply for up to £9,000 of basic grant funding.
- Funding should be directed to communities that would be unable to produce an LPP without external assistance, typically those in the bottom 20% on the Scottish Index of Multiple Deprivation or an appropriate measure for rural areas.
- Funding should be available for community engagement activities.
- Communities should be empowered to decide how they use any resources that are allocated to meet their needs.

9.9 Costs and resource implications for planning authorities were also highlighted. The assumption that, other than with respect to maintaining the LPP register, there will be minimal additional costs for planning authorities was questioned, and LPP pilots were reported to have resulted in significant costs in terms of resources and staffing. Reference was made to the costs associated with inviting local communities to prepare LPPs and assisting them to do so. Acting as a 'key supporting partner' to communities as they develop their LPPs was thought likely to be a significant cost for which no additional funding has been identified.

9.10 It was argued that expectations of communities need to be managed in light of resourcing constraints and that the Scottish Government should provide clear guidance and online support and resources to communities including guidance on how a planning authority will assess an LPP.

9.11 In terms of impacts for businesses, it was suggested that too little is yet known about how community bodies will use LPPs in order to judge whether they will have an effect in either increasing or reducing opportunities for sustainable development.

9.12 There was agreement in principle with the Scottish Firms Impact Test Statement that the legislation should not significantly affect the overall costs for individual businesses of engaging in the planning system, and that local businesses may see value in engaging voluntarily in the preparation of LPPs. It was argued that the Scottish Government should require community bodies to encourage and enable business engagement in the preparation of LPPs.

9.13 Other points on the partial BRIA included agreement with the statement in paragraph 12 that businesses may have an interest in the proposals contained in LPPs and the statement in paragraph 36, that proposals in an LPP will influence the development plan for an area and therefore decisions made by the planning authority on planning applications.

9.14 Suggestions included that:

- With respect to paragraph 25 - concerning a requirement for community bodies to engage - specific encouragement should be given to engage with landowners and developers.
- With respect to paragraph 28 – concerning the requirement for community bodies to seek the views of local ward councillors - that there should be clarity on expectations of the community body if the councillors are not fully in agreement of the content of the LPP.

9.15 It was also noted that LPPs may identify assets – including buildings - that the community body considers to be of particular significance to the local area. It was suggested that clarity is required to establish how policies of an LDP would be applied to assets identified in a LPP that are not formally designated through statute or existing planning policy.

### **Partial Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment)**

9.16 There was support for rigorous assessment of how the regulations for LPPs will support equalities and for recognition that disabled people are not always able to participate in planning processes. The intent to encourage inclusive engagement was welcomed although it was also suggested that the EQIA's statement that no factors have been identified which might prevent the desired outcomes may not be correct, unless support and access are made available for people with protected characteristics or who live in socio-economic disadvantage.

9.17 It was also argued that evidence supplied with the EQIA is very limited, that no analysis is provided in relation to demographic information split by sex, and that no actions are outlined in response to the evidence that has been gathered. In particular, it was argued that a statement that 'lack of confidence' is a reason for women and other groups' exclusion from community and planning decision making fails to recognise barriers to participation such as those created by socialised gender norms, discrimination and violence. Other potential barriers to women's participation were also highlighted.

9.18 As a general point it was suggested that in places, 'gender' and 'sex' are conflated in the text, and that 'gender' is not a protected characteristic.

9.19 Respondents also suggested that the EQIA should be extended, to include:

- Barriers to participation beyond physical ones - for example if communities lack either an understanding of planning issues in their local area or confidence to get involved.
- Consideration of how women use space differently to men.

9.20 Some respondents expressed a view that an EQIA should be undertaken for an LPP or commented on the need for the EQIA to be reflected in guidance for community groups, with suggestions that this should:

- Include a checklist of topics which groups should consider with respect to protected characteristics during the development of a plan.
  - Highlight techniques and good practice in engagement with different equalities groups and provide contacts for groups who represent them.
- 9.21 As a related point it was noted that equalities groups may experience challenges in accessing the present consultation as some of the language is complex and technical, and the importance of using clear and easily read language for the consultation process for LPPs was emphasised.
- 9.22 It was reported that community councils have a statutory role in representing all communities in their area, including those with protected characteristics, and can access support and advice on how to do so. However, it was also observed that community councils may lack resources.
- 9.23 Other suggestions on the content of the EQIA included that it would be helpful to include data on the make-up and diversity of the community groups and councils that are likely to develop LPPs.
- 9.24 Specific comments with respect to children’s rights and well-being included that a full CRWIA should be carried out. It was suggested that community bodies should be required to engage with children and young people, but also that, without support for engagement, children and young people are likely to struggle to engage in the development of LPPs. The Scottish Government was advised to consider how the system can be made as accessible as possible, including for children and young people with additional support needs.
- 9.25 A clear plan for monitoring the impact of LPPs on children’s rights and wellbeing was also recommended.

### **Partial Island Communities Impact Assessment**

- 9.26 Inclusion of an ICIA was welcomed. Specific points in relation to LPPs and island communities included highlighting the added pressure on small island planning authorities, where it was thought high existing levels of community engagement in relation to community land ownership will create significant momentum for LPPs. It was not felt the assessment sufficiently addresses this issue.
- 9.27 Greater clarity was also suggested to be necessary as to how authorities are to assess LPPs in relation to community plans that are already ‘in place’. Existing action plans, such as those produced by community trusts in areas of high community land ownership were referenced, and it was suggested it might be incongruous for LPPs to contradict relevant land use sections of such plans.
- 9.28 Although acknowledgement of the differing transport challenges faced by island communities was welcomed, it was argued that there should be a reference to active travel as an essential component, alongside public transport, of improving connectivity and transport options in island communities.

**Question 16:** Do you have or can you direct us to any information that would assist in finalising these assessments?

9.29 Around 30 respondents answered Question 16. Some respondents offered to share their own work or provide examples of community-led action plans. It was also noted that the opportunity to discuss specific issues with the Scottish Government would be welcome.

9.30 Specific suggestions of sources of information included:

- Children in Scotland's Health Inequalities: Participative Research and CHANGE projects.
- Inclusion of Scottish Showpeople as a distinct population in the forthcoming Scottish Census will allow the exact makeup, nature and needs of this community to be taken into account.
- Detailed costings from pilot LPPs should act as the basis for a final stage BRIA for estimates of costs incurred by communities and planning authorities. A range of detailed costings from Neighbourhood Plans in England could also be helpful.
- The completed Local Place Standard assessment tool questionnaires should be carefully considered.
- Scottish Government and EHRC research on the uneven impact of COVID-19.
- Established community hubs / faith groups etc., active in an area should be consulted, as should local councillors, local economic forums and third sector organisations.

9.31 Annex D to the consultation paper records that, after consideration of the Fairer Scotland Duty (FSD) Interim Guidance, it has been concluded that secondary legislation on LPPs does not constitute a strategic decision and therefore an assessment is not required. Annex E makes clear that it is the overall LDP which will be subject to Strategic Environmental Assessment (SEA) not the LPP, so the view is that the legislation would have no or minimal environmental effects once implemented.

**Question 17:** Please give us your views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents and our conclusion that full assessments are not required.

9.32 Around 70 respondents answered Question 17.

### **Full assessments are not required**

9.33 Some respondents expressed agreement with the conclusion that full assessments are not required, including noting the burden that carrying out assessments, particularly an SEA would place on a community body. Comments

specifically on SEAs included agreement that this would not be appropriate for LPPs and that the LDP will be subject to a full SEA.

9.34 It was suggested carrying out assessments would require professional input and that assessments should be voluntary. A rather different perspective was that if LPPs are prepared after bottom-up consultation, many of the principles of the FSD and SEA will have already been identified, so no further action will be necessary.

9.35 Caveats included that:

- No assessments should be required, unless an LPP includes significant proposals not considered through the LDP process, that are likely to come forward before the next LDP review and its assessment processes.
- There should be a requirement for LPPs to consider undertaking a full FSD and SEA, depending on the outcome of the screening.

9.36 It was also suggested that the proposed 'How to' Guide should provide some advice to communities around impact assessment, since some legal duties may apply and that consideration should be given to the implications of including LPPs within an LDP that do not meet legislative requirements in relation to assessments currently required during production of an LDP.

### **Assessments are required**

9.37 Other respondents disagreed with the overall conclusion that assessments are not required.

### Fairer Scotland Duty

9.38 Some respondents thought that an FSD assessment should be required or sought further clarification as to why it is not thought necessary. It was argued that:

- LPP legislation will be applied across the country and will have an impact on decision making at a local level, so it is a strategic decision and should be subject to FSD assessment.
- The Duty confers a responsibility to actively consider how inequalities of outcome caused by socio-economic disadvantage can be reduced, and it is unclear how legislation on LPPs can be considered to have no socio-economic impacts.
- Those who are socio-economically disadvantaged are less likely to engage in the LPP process, particularly given the costs estimated for producing the LPPs and lack of funding.

9.39 It was suggested there is merit in considering options which can reduce inequalities of outcomes caused by socio-economic disadvantage.

## Strategic Environmental Assessment

9.40 Points made by respondents who thought there could be a requirement for an assessment included that:

- If an SEA is not carried out by the community group, resourcing of the process is likely to fall to the planning authority - contrary to SEA guidance which recommends that the assessment process should be started at the beginning of policy development should ensure that realistic alternatives are fully assessed.
- The need for the planning authority to carry out SEA and assess alternatives for each proposal in the LPP could be unduly onerous.
- There should be guidance for community groups in undertaking a proportionate environmental assessment of their LPP to consider how the proposals can protect and enhance environmental assets.
- Any decision should be deferred until it is clear how community bodies make use of the new powers and what bearing they prove to have on development plans.

9.41 Since community groups are not subject to the requirements for SEA, it was suggested the requirements of the Environmental Assessment Act could be amended to include bodies preparing an LPP, and for the SEA to be submitted to the planning authority with the LPP.

9.42 In addition, two respondents commented on the environmental assessment of other proposals affecting the area that may be covered by an LPP, rather than proposals contained in the LPP itself. It was argued that:

- Planning authorities are failing to require full environmental impact assessments, making it easier for developers.
- If a national development is proposed in the jurisdiction of an LPP, and the community does not feel that an adequate environmental assessment has been conducted then a full environmental assessment should be conducted.

**Question 18:** If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

9.43 Around 35 respondents answered Question 18.

9.44 Information sources suggested to inform the assessments discussed at Question 17 were:

- The forthcoming Scottish Census, in which inclusion of Scottish Showpeople as a distinct population should allow the needs of this community to be assessed.
- The Scottish Index of Multiple Deprivation as a useful reference for relative social and economic deprivation.

- Scottish Government Strategic Environmental Assessment: Guidance, 2013.
- Planning Advice Note 1/2010: Strategic environmental assessment of development plans.
- Planning Circular 6/2013: Development Planning.
- Local Place Standard assessments.
- Field studies conducted by the Scottish Wildlife Trust.
- Other wildlife / conservation groups such as the RSPB, British Trust for Ornithology, Scottish Badgers, and the Woodland trust.
- SEPA and Scottish Water.
- Sustrans.

## 10. Additional issues and key themes

### Additional issues raised

- 10.1 In addition to comments at specific questions, some respondents made more general comments about the context or challenges associated with developing LPPs. Please note that the relevant Scottish Government policy team has access to all responses, and the summary below is designed to give a brief overview of the type of issues raised.

### The case for and status of Local Place Plans

- 10.2 There was a question as to whether the case for introducing LPPs has been made. This was connected to a concern that, without a clear purpose, they will not make a real, tangible difference to communities or result in significant change in terms of the local experience of the planning system. Rather LPPs will consume huge amounts of voluntary effort and time but ultimately result in more frustration with the planning system. There was a concern that community expectations could be raised by mandating regulations, but that it remains unclear to what extent and how these expectations could be met.
- 10.3 Respondents also commented on the role of LPPs and how they are expected to fit with the wider development planning landscape. There was support for increased integration between spatial and community planning at a local level, which was seen as paramount to the success of the LPP approach. A clear understanding and articulation of how spatial, community planning and community led planning should interact was seen as critical, and there was a call for the Scottish Government to provide a clear steer through both legislation and guidance on the links and interactions for LPPs with community planning.
- 10.4 In relation to the status of LPPs one suggestion was that, once agreed by the community, they should be given due priority and weight as a material consideration and should have meaningful influence on decision-making. This was associated with a concern that the 2019 Act requires LDPs to take a registered LPP into account but provides no guarantee that the LPP will affect the development plan or act as a significant material consideration in planning decisions. There was a query as to whether it is right to encourage communities to embark on a process if they have no recourse to decisions or plans that do not accord with their LPP.

### Timing issues

- 10.5 In relation to the timing of LPPs, it was suggested that if LPPs are to inform LDPs, they will need to be prepared in advance of, at the latest, the Proposed Plan stage of LDP preparation. A concern was that:
- This places a time pressure on the preparation of LPPs by community bodies, particularly in areas where the Local Authority may begin preparation of a new LDP as soon as the relevant regulations come into force, expected to be spring/summer 2022; and

- There could then be a danger that there could be delays to the LDP process, creating a 'bottleneck' in the system.

- 10.6 It was suggested that the legislation and subsequent guidance should also provide some further clarity on the different scenarios allowed for depending on the timing of a community body preparing a LPP – for example when it is intended to amend an adopted LDP or when it is intended to inform an emerging LDP at the outset of the preparation process of an LDP.
- 10.7 It was also suggested that where community led plans already exist but do not meet the requirements for an LPP, some form of plan conversion or retrofitting is established and available to community bodies, to help avoid duplication and ensure the work undertaken by a community to establish these plans is not lost or undermined with the introduction of LPPs.

### **Key themes**

- 10.8 A small number of key themes emerged from across the consultation responses. These are summarised briefly below.

### **Fit with other plans**

- 10.9 It was seen as important to be clear about how LPPs relate to other national and local plans, and especially to the LDP. In particular, there needs to be clarity around whether the priorities set out in an LPP and the relevant LDP can differ, and if so, how the planning authority can or should respond to any differences. Issues relating to the timing of LPP development, relative to the timescales for LDPs, also need to be considered.

### **Statutory or guidance led approach**

- 10.10 A statutory based approach was seen as having its advantages, for example in terms of ensuring that a consistent and robust approach is taken to LPP development. However, to avoid community bodies being unable or unwilling to develop an LPP, any requirements should not be excessively onerous or prescriptive. There may be a case for taking a guidance-led approach wherever possible.

### **Transparent and inclusive approaches**

- 10.11 It was considered important that the process for developing LPPs is both transparent and inclusive. It will be important for the community body to be clear about the evidence that informs the LPP. The whole community should have opportunities to be involved, and the approach to engagement and consultation should consider the needs of those who can sometimes be excluded. However, it also needs to be recognised that engagement and consultation can be both challenging and resource intensive.

### **Resource implications**

- 10.12 It was noted that community bodies have limited resources and will not all have the capacity to ensure compliance with significant regulatory requirements. They

will need support, both in terms of funding and access to expertise. Some communities will require more support than others.

- 10.13 Local authorities may need to provide guidance and support to community bodies, and this will have implications in terms of the number and skills of staff required. It cannot be assumed that local authorities will be in a position to provide funding for community bodies. Establishing a register and map of LPPs, and the assessment of LPPs will also have resource implications.

## **Annex 1: Organisations responding to the consultation**

### **Community Council or Trust (n = 32)**

Allanton and Hartwood Community Council  
Balquhiddy, Lochearnhead and Strathyre Community Council  
Birse and Ballogie Community Council  
Bowling and Milton Community Council  
Cambuslang Community Council  
Crailing, Eckford and Nisbet Community Council  
Cramond & Barnton Community Council  
Culter Community Council  
Cupar Development Trust  
Dumbarton Stations Improvement Trust  
Fairlie Community Council  
Gartmore Community Trust  
Gullane & Aberlady Area Community Council  
Hatton of Fintray Community Council  
Hillhead Community Council  
Lerwick Community Council  
Liberton & District Community Council  
Linlithgow & Linlithgow Bridge Community Council  
Methlick Community Council  
Mid Deeside Community Council  
Monkton Community Council  
Mull and Iona Community Trust  
Newtonhill, Muchalls and Cammachmore Community Council  
NICE and Nairn West & Suburban Community Council  
North Kincardine Rural Community Council  
Ochiltree Community Council  
Peebles and District Community Council  
Peebles Community Trust  
Reston and Auchencrow Community Council  
Shieldhill & California Community Council  
Stonehaven & District Community Council

The Pollokshields Trust  
Tiree Community Council  
Westhill and Elrick Community Council  
Whitehill Our Place Our Plan Group  
Yell Community Council

**Developer (n = 16)**

A & J Stephen (Builders) Ltd  
Allanwater Developments Ltd  
Barratt Homes  
Campion Homes Ltd  
Dandara East Scotland  
Dawn Homes  
Gladman Developments Ltd  
Miller Homes Ltd  
Persimmon Homes  
Walker Group  
Robertson Residential Group  
Scottish Property Federation  
Springfield Properties PLC  
Stewart Milne Homes  
Taylor Wimpey  
Tshousing

**Local Authority, Community Planning Partnership or Transport Partnership (n = 34)**

Aberdeen City Council  
Aberdeenshire Council  
Argyll and Bute Council  
City of Edinburgh Council  
Clackmannanshire Council  
Comhairle nan Eilean Siar  
Community Planning Aberdeen  
COSLA

East Ayrshire Council  
East Dunbartonshire Council  
East Lothian Council  
East Renfrewshire Council  
Falkirk Council  
Fife Council  
Glasgow City Council  
Heads of Planning Scotland (HOPS)  
Midlothian Council (officer response)  
Moray Council  
North Ayrshire Community Planning Partnership  
North Ayrshire Council  
North Lanarkshire Council  
Orkney Islands Council  
Perth & Kinross Council  
Renfrewshire Council  
Scottish Borders Council  
Shetland Islands Council  
South Ayrshire Council  
South Lanarkshire Council  
Stirling Council  
Strathclyde Partnership for Transport  
The Highland Council  
The Improvement Service  
West Dunbartonshire Council  
West Lothian Council

**Other- private sector (n = 8)**

About Planning Ltd, Town Planning Consultancy  
Avison Young (UK) Ltd  
Geddes Consulting  
PMRLeisure Ltd  
Savills

SSEN Transmission  
Urbantu Ltd. Placemaking by design  
Statkraft UK Ltd

**Public Body (n = 8)**

Bòrd na Gàidhlig  
Creative Scotland  
Historic Environment Scotland  
MACS Mobility and Access Committee for Scotland  
Ministry of Defence  
NatureScot  
South of Scotland Enterprise  
The Coal Authority

**Representative Body (n = 12)**

BEFS – Built Environment Forum Scotland  
Community Land Scotland  
Culture Counts  
Homes for Scotland  
Institute of Historic Building Conservation Scotland Branch  
Law Society of Scotland  
NFU Scotland  
Royal Institution of Chartered Surveyors (RICS)  
Royal Town Planning Institute Scotland (RTPI)  
Scottish Land & Estates (SLE)  
The Landscape Institute  
The Royal Incorporation of Architects in Scotland (RIAS)

**Third sector or voluntary group (n = 25)**

APRS - Association for the Protection of Rural Scotland  
Children in Scotland  
Community Woodlands Association

CVS Inverclyde  
Cycling Scotland  
DTA Scotland  
Engender  
Fair Scotland  
GoBike (the Strathclyde Campaign for Cycling)  
GrowGreen Scotland on behalf of the Community Growing Forum Scotland  
Harris Voluntary Service  
Inclusion Scotland  
Jedburgh Lunch Club (for the elderly of the town)  
Midlothian Third Sector Interface  
PAS  
Paths for All  
Planning Democracy  
Plantation and Alma Road Campaign Association (PARCA)  
Play Scotland  
Scottish Community Alliance  
SURF - Scotland's Regeneration Forum  
Sustrans  
The National Trust for Scotland  
Theatres Trust  
Zero Carbon Daviot



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